To the 1303 COVAMEC commission to supplement my comment provided last Friday:

During the past two weeks I have become aware that Colorado counties will pursue substantially different ways to reconcile new and existing residency requirements and deliver and handle resulting ballot styles.

I think COVAMEC will need to carefully monitor this issue with adequate discovery of detailed practices in the ongoing as well as the 2014 election. This issue is squarely within the mission of the commission.

This topic is the direct result of the reduction of state residency to 22 days (below that for many independent districts) and the limitation of eligibility criteria to state residency rather than precinct or district residency.

The new inconsistencies arise most obviously when special districts, school districts and or municipalities coordinate elections with counties and create the need for special ballot styles. These new styles have county and state contests and include various combinations of contests relating to local districts depending on the precise date the elector changes residency (if this can be realistically made precise).

Another more reasonable solution would be to print a separate ballot page especially for one or more specific district contests but Colorado has a requirement that only one ballot be voted per election. Perhaps this can be changed.

Some counties are attempting to sort through the differing requirements of Titles 1, 31, 32 etc. as well as local ordinances and charters.

Others are enjoying that the local districts are not coordinating.

Others prefer to ask local districts to adopt the 22 day residency requirement of the state by whatever means are readily available.

Others have interpreted the new Title 1 language to be consistent with 22 days for state residency but zero days for local districts. Some people believe this is the legislative intention of the 1303 bill- i.e. that coordinating districts should not limit their electorate with advance residency requirements other than simple residency in the state.

COVAMEC can serve to help the state disambiguate this topic.

Even if districts are not coordinating, they receive their registration lists from county officials so the complexity is not avoided.

The practical effect of the various requirements and interpretations of overlapping laws is the need for a large number of ballot styles with many combinations of contests that will be applicable to the few electors who either register or change address at certain intervals within 30 days of the ballot return deadline for non-UOCAVA ballots (formerly known as election day).

What 1303 seems to have done is create a temporal reason for profusion of ballot styles in addition to the more familiar
geographical one usually labeled a "precinct split." It should not be seen as surprising that both pertain to non-precinct-aligned districts that Colorado has adopted so profusely.

Ballot anonymity and voter privacy was already seriously interfered with as a result of optional voting methods and optional in-person voting location (the latter now required of all counties by 1303). Voters who vote a unique ballot style because of where they choose to vote will suffer the potential harm of identifiability of the ballot. Now this temporal split of the voting population makes the invasion of privacy only worse as a result of the effects of the precise date of an address change. This will add to the number of unique instances of ballot style - not conducive to voter privacy.

Note again that a separate ballot page for a non-precinct-aligned district also helps solve the ballot identifiability risk as long as these pages are allowed to be sorted/tabulated separately from other contests.

Besides the differing interpretations there are also differing remedies being applied by county choice.

Some counties will attempt to provide the correct temporal-split ballot style-- but programming and testing requirements make this difficult especially for DRE.

Some will ask voters to simply avoid specific contests on the ballot.

Some will duplicate the ballot selectively perhaps keeping county / state only contests.

Some will duplicate by hand. Others will duplicate by ballot marking device.

I hope the commission will spend significant quality time acknowledging and recommending remedies for the unnecessary complexity and weakness inadvertently brought into Colorado elections in recent years and in particular, this year.

Perhaps these issues deserve some space in the survey to counties. My draft proposal has included a bit already.

Harvie Branscomb