To members of the COVAMEC and friends interested in election integrity:

I have just watched the entire post-election process for all the steps made available to me as a credentialed watcher in the conduct of a Colorado election. I was a watcher in Broomfield – quite possibly the simplest of all November 2013 elections and likely the most talked about. Compared to other counties where I have previously watched, Broomfield provided access to most but unfortunately not quite all steps in the conduct of the election. My experience was limited to post-election. I started watching from the beginning of the post-election audit on November 8 through the final certification of the recount on December 5. My role was to “witness and verify” and to “assist in the correction of discrepancies.” I did uncover some discrepancies and procedures that necessitated correction and several were resolved at least partly if not wholly as a result of my assistance. It provided a demonstration of how watching truly works to improve the election process.

What is most obvious to report is that I did not hear any compliments about the 1303 bill voiced in Broomfield. I heard uniform distaste for side effects of the 1303 bill from all parties (and both political parties) who expressed their opinion. And I watched the post-election process for an election for which I could not achieve confidence in the outcome although I looked for it. There are simply too many loose ends to substantiate a victory margin of 20. And too little public information of that asked for was presented in public. But these are not the key points I want to address here.

As a first-hand witness I can answer many of the questions that would have appeared on a survey that COVAMEC has declined to pursue for reasons (presumably) of protecting the clerks from the hardship of providing (possibly useless) information to the public. Majority Leader Hulinghorst said on October 14:

“I’d just like to know where we are in that process because I don’t know whether we can make any decisions on this until we have a better understanding from the clerks as to the kinds of things they think we need to talk about.”

What the Majority Leader has expressed here is deeply disturbing. She is apparently voicing an expectation that those clerks who are to be surveyed will provide the “kinds of things… we need to talk about.” I would say that while all these clerks are very well informed about each election in their county separately, they have little need to know anything about any other county election and little inherent need to share information about what they know so well. How would they have the context necessary to decide what information the state needs to know to make election policy? Surely there are better sources for this kind of information. The clerks are the people who are best suited and in fact elected and paid to serve the role of answering.

The nature of the set of questions I have been asking and the ones the Business Practices Sub-committee (often mistakenly described as the “best practices committee”) have been discussing in their open meetings showed almost no overlap until the SOS report about Broomfield came out. Only at that point did the Subcommittee raise concerns about some detailed issues that I recognize to be of great importance to election policymaking. Of course most members of that subcommittee as election officials are already fully aware of the array of odd facts, uncertainties and workarounds that make up an average election. These things only come to light in public when concerted watching is taking place such as in Broomfield.

In Broomfield there are three coinciding factors- a highly controversial and extremely close election, the rushed onset of HB 1303 requirements and the knowledge outside of the county office that discrepancies and errors exist in the election (e.g. the SOS report).

If elections were weather this one represents the perfect storm.
In fact only because of concerted watching did some of these SOS reported issues come to light. I hope that sooner or later members of the elections community will generally recognize the value-add that comes from watching. Statements such as this from a public meeting give me further concern because it reflects a poor attitude about contributions of people sufficiently interested in elections to become a watcher:

> I mean any of us could have been in the eye of that storm. If we had a close race and people found an opportunity to make a political statement or try to turn the tides on the results – you know – whatever the motivation is for people to hone in like that. It happens. That’s politics. Right?

Watching the Broomfield election is not politics for me. “Honing in” is about finding out how many registered voters attempted to vote, how many ballots were “cast” per ballot style and voting method and how many votes are counted for each subset of the election and how many of the vote interpretations are accurate? It is all about election integrity. Every time I look for details I do find gaps in the integrity. These are gaps that can be filled and usually are. And I am confident they will be in Broomfield.

By watching each election, I will understand the Colorado election after about 60 more years. I hope elections have improved dramatically by then. It is relatively easy to answer from first hand observation questions that are not the domain of easily queried but surprisingly difficult to obtain SCORE statistics.

I ask again to COVAMEC to have SOS staff answer through SCORE queries the EAC type questions about turnout, use of UOCAVA, mail ballot processing, statistics from use of VSPCs, etc. for each county. Please do not bother the clerks or ask them to try to create these queries. They will have great difficulty.

Of course we need to know the most about our elections as we watch the oldest and most trusted voting tools – the precinct polling place and paper pollbook – being put away for perhaps the last time.

The following answers to typical questions from my survey will help expose both the better and perhaps the not so much better of what a Broomfield version of the Colorado election is. These answers may serve as a basis for asking further questions and similar questions in other counties. Answers here might also give you a window into how much information becomes available to a watcher and perhaps what kinds of information for some reason do not.

What I have provided here is snapshot of a very simple Colorado election under 1303. All of the above data are consequential to either direct effects of the 1303 bill on residency requirements and its effect on the SOS Election Rules, or they are consequential to side effects on watching that has become even more difficult because of the loss of precinct polling places, the reduced dependence on election judges and additional centralization and mechanization of the election. These questions and answers are all about 1303 in one way or another. To say otherwise is to duck responsibility for 1303’s widespread effects.

In my experience Broomfield’s election staff is relatively open and exercise real transparency compared to some. Citizens in each county deserve to know that some citizens besides their own election officials understand their election at the level that is suggested by the answers to the questions posed above. This is why I will seek to continue to understand Colorado’s 64 elections and share the knowledge with other citizens and policy makers such as legislators.

The Commission may start this process by asking visiting clerks on December 8 and December 20 to answer some of the questions I have asked and answered here. I do not think that all will answer the same way.

This email is an example of my effort to share a small part of what I know about the “modernized” Colorado election. Thank you very much for the opportunity to provide it to you.
Q&A about the Broomfield November 2013 election by Harvie Branscomb, Watcher

Q: Was the election complicated? A: It was exceptionally simple but for HB 1303 side effects.

But one contest outcome was determined with a margin of 20 out of 20916 ballots cast. Or was it 20917- the number of recount cards counted.

Available in-person voting methods?

- Only DRE - no paper.

Number of DRE voters? zero

Number of provisionals? zero

The highly controversial and extremely close and recounted contest was county wide. Each ballot cast was a mail ballot except for 23 UOCAVA votes via Everyone Counts that were duplicated.

Batches of envelopes stored in collections related to batches accepted in SCORE as stored? YES

Discrepant signatures cured by unverified signature (plus affidavit text plus ID)?

Yes. Among ballots with signature discrepancies that were cured, at least 20 ballots were counted for which the envelope signature bore no resemblance to the signature recorded in SCORE and in some cases showed a different name. This was determined in later limited research taken on by the canvass board that allowed watcher observation. The election judges who made the original determination to count these ballots did not look at SCORE during post-election processing to see if either the affidavit signature or the return envelope signature resembled the SCORE signature. However, by use of SCORE, about 10 “husband and wife” swaps were allowed to count in post-election processing. These are not included in the above number 20 that represents perhaps half of similar cases in the election.

Missing signature cured by affidavit in addition to appearance in person? YES

Approximate length of time after ballot is removed from return envelope but still in secrecy sleeve?

- Between 5 and 300 seconds.

Approximate distance between the place secrecy sleeve is removed from envelope and the ballot is removed from secrecy sleeve?

- Between zero and 2 feet.

Does the abstract of the vote comply with Rule 10.7.2 for state as well as 10.7.3 for county? (requires a precinct or ballot style report of registered electors from SCORE, precinct or ballot style report of ballots cast from SCORE, precinct or ballot style report of votes counted from EMS and other reports.)

The original Nov. 15 certification was viewed by SOS as substantially compliant for the state and later described as deficient as a county abstract. A new version prepared at the time of recount certification could have been substantially compliant but a supplemental SCORE report prepared for that purpose was omitted from the final document.

How many vote using Everyone Counts probably from within the USA and not overseas? 12 - and also within the state? 5 - county? 3

How many new registrants used same day registration and voting? How many on election day?

How many Colorado electors changed address and voted same day? How many on election day?

I don’t know. Noting the highly problematic lack of a move date on the CDOR and SOS OLVR (online voter registration) electronic documents, excepting those issues, this should have required only a simple SCORE query easily performed by the SOS. I am hoping to see such a report. The affirmation on the CDOR form requires the elector to know the date of the election in advance as well as to understand the precinct they live in. How would someone at a DMV office likely know these things?

Health Care Facility team drop off- done by election judges, staff or staff acting as election judges?

Reportedly both election judges and staff on different occasions.

Smallest number of voted ballots in envelopes collected from a single HCF facility?

Do not know- information likely known by staff but not in a document easily available to a watcher.

HCF largest number of voted ballots in envelopes collected from a single facility?
Do not know- information known by staff but not easily available to a watcher. Available evidence suggests that 18 affirmations of residency were collected from one HCF with dates marked in the same characteristic handwriting style.

Solution to varying residency requirements? (some possible alternatives) inter-governmental agreements with synchronized residency; additional ballot styles; affirmation of residency; operate non-title 1 districts under Title 1; decline to coordinate elections for districts with incompatible residency requirements; have no school board, municipal or special district contests to coordinate?

A newly designed affirmation of residency form based on work from Jefferson County was sent to 380 voters prior to election day, and once again after election day. This form failed to inquire if the voter had resided in one or more relevant districts prior to any move that they affirmed happened within 30 days of election day. Ten self-affirmations that were not returned were assumed eligible only for statewide issues. Eight other ballots were selectively counted by duplication as a result of returned affirmations. It was presumed that out of 21,000 voters only as many as 18 were not eligible to vote on either municipal or school district contests for reasons of moving into the county after 30 days prior to election day. Later after ballots were removed from envelopes and these voters were selectively disenfranchised it was discovered that some of these may in fact have been eligible for reasons of having moved within the relevant district.

Print stubs on ballots? (all? some? none?) How are stubs used?

Removable stubs are printed on all pre-printed ballots in the election, but not some special test ballots printed by the print vendor and ballot on demand ballots used for testing. Stubs are used to confirm ballot style when delivering ballots and duplicating. Unknown if there are other uses. Stubs could be used to identify the original voter of ballots returned in envelopes without any other identity information.

Use ballot on demand? (all? some? none?)

Ballot on demand ballots were tested but not used.

How did the county and canvass board reconcile ballots cast (envelopes plus signature cards?) to ballots counted? (some alternatives follow) validate stub on incoming ballot when opening? count signature cards? compare SCORE report by ballot style or precinct to EMS report of cards counted by ballot style or precinct? compare SCORE reported total of received envelopes, plus in-person signature cards to EMS totals?

Once the county official abstract was completed including different reports from the EMS and SCORE and manually created by ballot style on Dec. 5, the ballots cast and votes counted could be reconciled by ballot style. Precinct reporting was not used.

How is duplication performed? election judges? permanent staff? staff acting as election judges? Duplication using Runbeck printer plus Everyone Counts online ballot marking? other ballot marking device? team of one? two? three?

Eight teams of two election judges each hand duplicated and entered data into a duplication log. Most teams double checked the duplication by swapping roles and doing a cross-check. These same teams contemporaneously and in a sequence opened ballot return envelopes, removed ballots from secrecy sleeves, duplicated if necessary, tabulated the ballot, and returned each in the same order to a sealed storage bag.

How many VSPC (including clerk’s offices)? How many drop-off locations?

The answer is not clear. I am aware of two locations used outside of the clerk’s office where replacement ballot packets (unlabeled), replacement unlabeled envelopes without ballots, and registration forms were provided to electors. I have heard these described either as VSPC or drop off locations. These locations were not equipped with SCORE access.

How were drop off locations staffed? judges? staff acting as judges? other staff?

I do not know.

How many envelopes returned per day per location?

I do not know. I am not aware of a paper record of this. Probably SCORE can report this. I hope to see these kinds of numbers reported for every county statewide.

How many in-person voters per day per location?

Zero for the entire election.

How many rooms are used in central count facility including location of EMS?
Two.

How many (maximum) separate parallel processes in the central count in a single room.

*Eight separate teams and tabulators.*

How many watchers allowed per entity per central count room?

*One.*

Final determination of eligibility of provisional ballots was made by clerk? permanent staff? canvass board? SOS? election judges? other?

*Zero provisional ballots. Staff plus clerk decided which envelopes reached the election judges.*

Maximum number of votes counted on one memory card?

*Approximately 800. Paper tapes from each device/memory card were sealed and not made available to the public or to watchers except in two or three rare circumstances. In the original election, most of these tapes were printed prior to 7PM election night and were sealed immediately upon printing. The electronic results published by the EMS (GEMS) were never checked to see if they equaled the sum of the numbers on the printouts—either in the original election or in the recount election. Cards are uploaded into the EMS immediately after they are removed from the voting system during the two weeks of pre-election counting and then sealed.*

How many memory cards?

*Approximately 48 in the initial election and another approximately 48 in the recount plus one that failed. These were spread out over 8 Accuvote 1.94W precinct optical scanners used as central count devices. Short summary paper tapes not showing undervotes and overvotes were created when each Accuvote memory card was closed. These were requested by watchers and access to observe was granted for only a few. Paper tapes containing under and over votes as well as audit logs for each device used in the election and the recount were requested. In only one instance for one memory card was this information provided.*

SCORE access available wherever people registered to vote?

*No. Remote locations staffed by election judges had telephone access but not SCORE.*

Printed labels available wherever ballot packets or replacements were provided?

*No. Label printers were not in remote locations. No provision was made for every delivered envelope to contain appropriate voter data. Some were hand written. 10 returned ballot envelopes had no voter identity except the signature. Nine of these were matched to SCORE signatures by staff and counted. The remaining envelope was not matched and the stub attached to the ballot in the envelope was not used to identify the voter for reason of privacy concerns.*

Were ballots forwarded by officials from other counties that arrived after 7PM on election night included for counting?

*Only 4 ballots delivered by Adams County subject to a special arrangement by the election office for pickup from the Commerce City mail facility were later processed by election judges. Two of these were not counted due to a signature discrepancy but were not given the benefit of an opportunity for cure because they were not considered by election judges until Nov. 14, the day before certification. Ten ballots from Boulder some showing a received date of 11/2 and one from Eagle County that had been forwarded to arrive after election day were not processed by election judges for reason of arriving late.*

--- end of questions and answers –

Obviously this list could go on. This email is an example of my effort to share a small part of what I know about the “modernized” Colorado election. Thank you very much for the opportunity to provide it to you.

Harvie Branscomb 12/8/2013

PPP member