Public comment for COVAME Commission meeting March 20 3PM by Harvie Branscomb

This is a slight improvement upon a document sent to Dwight Shellman, CO SOS Office on Feb. 5 2015. The intention of sending the letter to him was to make suggestions about remedies for the failure of data to flow to canvass boards and public under a 1303 CO modernized election. The topic was raised in a previous COVAME commission meeting both by myself in public testimony and echoed by the commission during the meeting when they tasked Dwight to report on this issue. I see no evidence of any response, so I am submitting the letter today in a written public testimony.

The elimination of paper poll books and precinct polling places left the counties without an effective poll book for statutory canvass purposes. There is an opportunity with the SCORE system to do much better than what the legacy poll book could do in accounting for the election. This is a set of proposals for either replacing the missing pieces or creating a much more transparent and accountable election by reporting numbers of voters, ballots cast and ballots counted in considerable detail on a daily basis. Note that there are zero voter privacy issues associated with reporting number of voters and envelopes in various breakdowns. These envelopes are all identifiable to voter by their nature. Voter privacy concerns when reporting numbers of ballots counted or votes counted can be protected using proper steps to make collections of opened ballots independent of collections of identifiable envelopes and subsets of identifiable voters. Care must be taken to ensure voter privacy.

The COVAME Commission report could include a recommendation for a substantial improvement in election data reporting to substitute for the missing poll book.

Harvie Branscomb 3/20/2015

The COVAME Commission is tasked specifically in February with reporting on the use of technology in the 2014 election. The purpose of the commission as I understand the mission is to understand and solve problems that were created inadvertently by the 1303 language.

One of the 1303 side effects relates to the inability of the canvass board to reconcile and obtain information needed to certify.

The canvass board statutory role involves a precinct specific comparison of registered voters on election day (that post 1303 would have to mean at the end of election day) to the number of ballots cast and then a (not necessarily precinct) comparison of the number of ballots cast to the number of votes counted- presumably for each election (contest), not just the aggregation of all elections performed.

The reason that precinct specificity was required was that errors in the election were likely to be limited to and discovered in precincts. Under a mail ballot election this is no longer true. Errors are likely to be electionwide or specific to election judge teams (for example in signature verification) or specific to one of several scanners used in central count.
It makes sense then to change the specifications at least in rule for the reconciliation to be more appropriate to the new central count facilities that process probably 90% of the ballots.

It is my observation that none of the numbers required by the statute for canvass are carefully collected or effectively reported to contemporary canvass boards in practice for mail ballots. The closest we come is with votes counted reports from EMS. These often do not even include under and over votes in practice.

Here is a discussion of the big three sets of numbers:

A) **Registered voters by precinct** can be obtained from SCORE but only at the moment that the last VSPC stops registering voters, and once any additional records have been added or deleted the number is no longer accurate. Clearly we need to have a process to capture these numbers, by precinct at the correct moment and both store and publicize them. This can be most efficiently done by the state and will require a new practice put in place. It can easily be arranged to update data daily showing the increment (or decrement) per day plus the running total.

B) **Cast ballots by precinct** should be possible for counties to obtain from SCORE (to the extent SCORE actually captures the event of "casting") but apparently the numbers aren't readily available because there is no report designed to provide the data in appropriate form. These numbers should be captured by the state from SCORE and made public on a web site on a daily basis. Cast ballots categorized by means of return seems to be an additional number that would help characterize the election. If SCORE is not capturing the means of return, then these numbers would have to be reported by the counties. Ideally counties will flag the means of return in SCORE or the report to SCORE of the casting of each envelope would be technically reported as the event takes place (e.g. a scanner at the drop off box).

C) **Votes counted** will come from each EMS but in practice, the number reported may not actually include the number that would meaningfully compare directly to cast ballots - namely the sum of all votes cast for contest questions plus those ballots for which under or overvotes were detected. It is important to be sure to export the relevant number from the EMS for the comparison.

In existing practice it is often being assumed that the EMS is reporting the number of cast ballots but of course that is not even close to an independent assessment of the casting event. The EMS can only report votes or ballots counted. It does make sense to report the number of votes counted by precinct to the canvass board for reconciliation. That number would include all ballots counted, separately reporting blank ballots and contest undervotes or overvotes when contest results are reported. Only with this kind of resolution is it possible to detect certain kinds of fraud and error. Even votes counted can be reported from an EMS on a daily basis for the few days post election during which such tabulations are created. At present these "election night" reports are haphazard at the whim of the counties but usually one report near to 7PM is made followed by at least one more report usually 8 or 9 days later.

The above set of number comparisons (registered voters, cast ballots, votes counted) were suited to precinct voting and were not intended to fully capture / canvass the processes of mail ballots. But even if we had these numbers reported on a daily basis by county and precinct we would be in much better shape to evaluate our elections.

It is 1303’s end of the paper pollbook that surely finally forces us to revisit the canvass process and look to see what data is required by the canvass board to evaluate an election with enough information to meaningfully certify.

Simply the three sets of numbers above A, B and C reported by precinct are not sufficient for effective quality
assessment. However as a first step I would recommend that the SCORE system be set up to automatically report by county and by precinct the number of registered voters and the number of cast ballots to a public web site.

**Advanced proposal for much better reporting of election statistics:**

Since SCORE is also capable of it, we can go further to expand "the number of cast ballots" into:

- Number of returned envelopes prior to signature verification
- Number of envelopes temporarily challenged or in process of cure
- Number of envelopes cured
- Number of envelopes approved for opening without cure.

We can also report

- Number of envelopes returned undeliverable.

All these values could be reported automatically by county on a daily basis with minimal work.

Certain additional **data from SCORE** that would be reasonable to collect and daily deliver daily to the public to support the canvass process: are:

- Number of a) new registrations, b) address changes within county, and c) address changes within state categorized also by:
  - (source DMV)
  - (source SOS online)
  - (source county input)
- Number of registration deletions
- Number of registration status converted active to inactive
- Number of registration status converted inactive to active

All above data could be provided by an automatic daily query to SCORE that could be viewed by a canvass board or by the public by state, by county, or by any other district boundary.

Additional other **data from the counties** (if not available from SCORE) that would be reasonable to collect and deliver to the public to support the canvass process: are:

- Number of envelopes returned by mail
- Number of envelopes returned to an outside VSPC drop box
- Number of envelopes dropped in an inside VSPC drop box
- Number of ballots voted on paper in a VSPC (not in the identifiable return envelope)
- Number of ballots voted on a DRE in a VSPC
- Number of emergency ballots returned
- Number of UOCAVA ballots returned
- Number of HCF ballots (envelopes) returned
- Number of provisional ballots received
- Number of replacement ballots issued by VSPCs
- Number of provisional ballots counted
- Number of ballots duplicated by reason
  - to remove identifiability
  - to resolve voter intent
  - to remedy a damaged ballot (torn, discolored, etc.)
  - to add precinct specificity
  - other
- Number of envelopes returned marked undeliverable
- Number of envelopes transferred from other counties
- Number of envelopes transferred to other counties
- Number of envelopes processed into signature verification
- Number of exception envelopes deemed damaged, empty, double ballot, etc. by reason
- Number of envelopes sent to cure for missing signature
- Number detected as ID required
- Number of signatures deemed approved by software
- Number of signatures challenged by first tier (temporarily challenged)
- Number of signatures approved by first tier
- Number of signatures challenged by first tier and approved by second tier
- Number of envelopes sent to cure for signature discrepancy
- Number of signature discrepancy cure letters sent and cures returned by status
- Number of missing signature cure letters sent and cures returned by status
- Number of ID cure letters sent and cures returned by status
- Number of post-registration confirmation cards sent, number returned, and status

**Additional data of value to election overseers such as canvass boards:**

As a boon to voters, require counties to post daily on the county website all the names of voters whose envelopes are awaiting cure. This requirement would alleviate the partisan practice in some counties of giving the "cure list" to one party before the other. Or develop a way to put that information in SCORE and then produce the list daily via a query.

Also it would be beneficial to have the following on a daily basis:

- Number of mail ballots counted by scanner in a central-count environment
- Number of DRE ballots counted by DRE by VSPC
- Number of flat ballots counted by scanner by VSPC
- Number of flat ballots counted by scanner in a central-count environment

Also the following inventory could be published on a daily basis:

- Number of containers of counted ballots in temporary storage and how many ballots are in each container by number
- Number of containers of counted ballots placed in permanent (25-month) storage and and how many ballots are in each container by number
- Number of memory cards (Hart MBBs etc.) currently containing live not yet tallied election data, and the specific identification number or label of each MBB (and the equivalent for the other systems)
- the identification number or label of any memory cards uploaded