

Communication from Harvie Branscomb 10-17-13

FYI to PPP- Detection of the ballot style of the returned ballot remains one of many important processes for integrity in elections. This kind of error is a risk that needs to have a technical remedy built into the UVS system.

7,000 Summit County voters received the wrong ballots, clerk says

<http://www.summitdaily.com/news/8527623-113/ballots-county-voters-neeel>

This link was sent to me by a Summit County resident I met on Saturday. 7000 ballot packets incorrectly fulfilled with wrong ballot style. The resident himself is surprised that it was his recognition of the importance of the article to me (Harvie) that caused information to reach some legislators. There really ought to be a publicly accessible statewide blog or similar means through which this kind of error/exception or discrepancy can be reported so that everyone who has responsibility for election quality can get immediate access.

Note that I believe this statement from the article is incorrect:

In recent elections, such as the 2012 general election, voters who did not participate in a primary were classified as inactive and therefore did not automatically receive a ballot for the November election.

Perhaps Summit County will now **check the incoming ballot style** to see if the voter returned the correct ballot? This has become a very unusual integrity check performed by only the most careful election officials and many clerks have stopped adding the "stub" on the ballot. The stub facilitates a check that the returned ballot in the envelope is the correct style without having to look at the voted portion of the ballot to determine the style. I have been asking for a return to that excellent integrity check for years as we increase our percentage of mail-in ballots. But my suggestions have consistently been ignored or treated as unimportant. Perhaps the idea isn't modern enough. And of course it takes time to do the check. But in Summit County we can be sure that some voters will return the wrong ballot this time, since it was delivered to them. In other counties all that is needed to get a more interesting ballot style is to fish a discarded mail ballot packet out of the trash in a post office or apartment building. But the fulfillment error is by still, obviously, the larger risk.

It was only yesterday that I was asked by a representative of IVS (a mail ballot fulfillment shop) why it seems that officials don't care about the "certification" that vendors give to their shop- something that helps ensure quality. Note that the article does not even mention the name of the ballot fulfillment vendor(s) other than their location is Denver. Perhaps this error was created by the local officials and not the fulfillment shop. But regardless, we deserve oversight to help avoid this problem.

I am not alone in the attempt to focus attention on the ballot printing, addressing, stuffing and posting portion of the election. We have been **unable to achieve oversight of this process**, except when Marilyn Marks got access to court ordered discovery. As part of that discovery my only role was to watch a sample of that process in Eagle County and found that ballots were being handled such that they would become identifiable by the Hart number. As a result of that effort, not mine but largely Marks', Colorado no longer allows the unique number on the face of

the ballot. (Another victory for citizen oversight and intervention- unfortunately in the courts.) Yesterday I learned that this new rule to remove unique IDs made it possible for the Runbeck Ballot On Demand system to function in Hart counties. Ballot On Demand (BOD) is even harder to oversee for integrity than a print shop.

Will this huge Summit County error, or the latest error in Mesa County wake up those with responsibility to not only the potential but the likelihood that ballots will be printed or fulfilled incorrectly? Note that in Pueblo it has been learned that ballots were too narrow to properly feed into the scanners. The public learned this through watchers at the polling locations and not via the Logic and Accuracy test.

Colorado elections have been "modernized" through extra centralization and computerization but the citizen oversight function has not been adapted to fit this new model. If anything, instead **citizen oversight is precipitously disappearing** with the use of fewer election judges, more envelopes being received, opened and counted on up to 22 days not including election day and so on. Citizens will not be capable of watching this spread out process, and are not being allowed to watch the ballot fulfillment process as far as I am aware.

In spite of our requests the new rules do not implement watching of ballot fulfillment.

I want to **thank House and Senate Majority leadership** for speaking with me yesterday, in some cases at length. I spoke with both majority leaders and a chief of staff but did not know of this error at the time. Colorado can do better when its legislators take a rational view of the 95% non-partisan portion of all election process questions rather than focusing on the 5% that is partisan. Many errors and problems with elections do not get reported. This one did and I found out through a helpful friend. According to the article only one elector had reported the problem out of 7000. Is this not another reason for intentional watcher opportunities of the process. Are there other counties where ballot fulfillment errors go either **unreported or undiscovered?**

Harvie Branscomb

7,000 Summit County voters received the wrong ballots, clerk says

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Election dates

Tuesday, Oct. 15: Mail ballots sent to active voters

Monday, Oct. 28 through Monday, Nov. 4: Mail ballots may be issued, replaced or dropped off at the Old Courthouse, 208 E. Lincoln in Breckenridge

Tuesday, Nov. 5 Election Day: Mail ballots may be dropped off between 7 a.m. and 7 p.m. at:

— Frisco Town Hall, 1 Main St.

— Dillon Town Hall, 275 Lake Dillon Drive

— Silverthorne Town Hall, 601 Center Circle

— Election Day polling centers will be open from 7 a.m. to 7 p.m. for in-person voting at:

— The Old Courthouse, 208 E. Lincoln in Breckenridge

— The Buffalo Mountain Room at the County Commons, 37 Peak One Drive in Frisco

— The Silverthorne Pavilion, 400 Blue River Parkway in Silverthorne

— To update or verify your voter [registration](#), call Summit County Elections at 453-3479 or visit www.govotecolorado.com.

Summit County Clerk Kathleen Neel said she is living out her worst nightmare.

The county's top elections official announced Tuesday that a "misunderstanding" with the county's Denver-based printer resulted in voters in Breckenridge, Blue River, Dillon, Silverthorne and Copper Mountain receiving the wrong ballots for the November election. For example, Neel said Breckenridge voters received ballots with Dillon questions.

Approximately 20,000 mail-in ballots were sent out shortly after midnight Tuesday. Residents in Frisco and unincorporated Summit County, which represents the majority of registered voters, received the correct ballots. However, 7,000 of the ballots were wrong, Neel said.

"An error has occurred," she said. "We know about it; we're taking care of it, and we will get the correct ballots to them."

The county clerk's office learned about the issue when a voter called the office to complain she had the wrong ballot questions. Neel said no one else has called to complain as of yet.

Neel said new ballots are being ordered and will be shipped to voters by the Oct. 18 deadline mandated by state law.

"When something goes wrong it's ugly," she said, "but we're doing everything we can to get it straightened out."

She urges anyone who has received an incorrect ballot to call her office at (970) 453-3471. Early voting starts on Oct. 28. The general election is on Nov. 5.

All registered Summit County voters can expect to receive a ballot in the mail thanks to the passage of Colorado House Bill 13-1303, which converted all voters on “inactive” status to “active.” In recent elections, such as the 2012 general election, voters who did not participate in a primary were classified as inactive and therefore did not automatically receive a ballot for the November election.

Although the new law does away with “inactive” status, Neel said there are residents who may not automatically receive a ballot in the mail because of inaccurate or old addresses in the county database.

“I think the most important point I want to get across is if a voter does not receive their ballot by Oct. 21, they should contact us so we can verify that their address is up to date and make arrangements to get a ballot to them,” Neel said.

Neel has worked in the county clerk’s office since 1995. She was appointed to the head position in 2009 and won the 2010 election.

Staff reporter Joe Moylan contributed to this report.

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