

Communication from Harvie Branscomb 10-18-13

From: Evelyn Tileston

Harvie

Thank you for your continuing efforts to enlighten us about the pitfalls built in to our new election process. Our Legislators MUST pay attention to the threats to our democratic election process since the freely cast and completely private vote is the corner stone of our democracy.

To: PPP

Thanks Evelyn for your your message. The Summit Daily did quote me in their follow up article and also mentioned the mission of the UVS PPP... perhaps our first appearance in print. The article is annotated by me below in the second section of this email. Note that in the first portion I am discussing the process by which the survey questions originally put forth by the PPP are being considered (I hope) by the 1303 commission. But another chance for it to make progress was cancelled this morning by a committee largely made of clerks and recorders. I hope and assume the reason is not lack of interest.

Evelyn I have boldened and italicized and indented and bracketed the annotations in the article below. I hope that at least one of those features is recognizable when you read the text.

Harvie

1) The today's 9 AM meeting of COVAMEC Business Practices that was publicly noticed yesterday was announced cancelled as of 8:23AM with no explanation. This meeting was to have discussed (and marked up) the proposed survey of county clerks about the 2013 election that I adapted from a draft for a 2014 EAC (federally administered) survey. This survey is one of several necessary steps to help Colorado understand its own 64 separately operated elections in 64 counties.

Note that this "business practices" subcommittee was reconstituted from the Secretary's SCORE Advisory Board. It is mostly made up of county clerks or staff. It is increasingly being misnamed as the Best Practices Subcommittee- a former SOS appointed committee that like the SCORE advisory committee was terminated after the 1303 bill passed. Boulder Clerk Hillary Hall is the Chair of the reconstituted board now called "Business Practices."

The "Business Practices Subcommittee" of the 1303 commission is one of several means by which the Colorado County Clerks Association is affecting public policy on elections above and beyond the clerks' individual and increasingly powerful roles as designated election officials and through their several professional lobbyists. This time though the group is being treated as a public body and therefore meetings noticed and streamed and recorded. This is a huge benefit for public involvement and oversight and to be complimented in comparison to the non-transparent past history of the CCCA.

CCCA Executive Director and former CO SOS former EAC Chair Donetta Davidson told me months ago that the CCCA winter meeting would be the first at which the public would have a mechanism to attend. No word has come about how this might happen, and now is the time for us to start asking. This change alone might be a reason for real optimism about future trends for elections in Colorado.

2) More on the 7000 incorrectly fulfilled ballots in Summit County. I have included Clerk Neel and

Summit Daily reporter Joe Moylan on this email in case either wants to answer any of my questions annotated in the copy of the article below:

<http://www.summitdaily.com/news/8536972-113/ballot-style-county-voters>

This is a follow on article for the report on Summit counties 7000 mail ballot packet error. This article quotes me, but it also contains a rather problematic error as highlighted below. As all on this list know, signatures do not appear on ballots for very good reasons including the Colorado Constitution. **I added bold annotation and inline comments in brackets []**.

Summit County clerk hustles to address November ballot mix-up

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Summit Daily News

The Summit County Clerk is working with Denver-based printer Frederic Printing to remedy the more than 7,000 incorrect November election mail-in ballots that were sent to voters Tuesday. The county hopes to have corrected ballots sent out by Friday's state-mandated deadline.

Summit County's voting districts and ballot style numbers

Unincorporated Summit County — Ballot style 1

Blue River — Ballot style 2

Breckenridge — Ballot style 3

Frisco — Ballot style 4

Silverthorne — Ballot style 5

Dillon — Ballot style 6

Copper Mountain — Ballot style 7

West Grand School District — Ballot style 8

Voters who received a ballot with a ballot style number that does not correspond with their district should contact the Summit County Clerk & Recorder's office at (970) 453-3471.

The clerk is working on reissuing corrected ballots before Friday's deadline.

Summit County's top election official said Wednesday the county is frantically trying to remedy a printing error that resulted in the issuance of inaccurate November mail-in ballots to some local voters.

On Tuesday Summit County Clerk Kathleen Neel said she was made aware of the mistake when a Breckenridge voter called to report receiving a ballot with Dillon questions. An inquiry to the county's Denver-based printer, Frederic Printing, confirmed that voters in Breckenridge, Blue River, Dillon, Silverthorne and Copper Mountain were mailed ballots listing questions intended for voters in neighboring districts.

It is not yet known what costs, if any, the county will incur because of the error, Neel said. A call to Frederic Printing was not returned by press time.

"We've spoken to them (Frederic Printing) and the focus now is to get the correct ballots printed and in the mail to voters before Friday's deadline," Neel said. "Once that is done we'll deal with whatever happened (that led to the error)."

Aside from seeing that their ballots do not have the correct local questions, Neel said, an easy way for voters to determine whether they have received the correct ballot for their district is to check the "ballot style number."

For example, voters living in Breckenridge should have been sent ballot style 3, but were issued ballot style 6 and should not vote with them. Corrected ballots should be issued to voters before Friday's deadline, Neel said.

Despite the efforts on behalf of the clerk's office, Carbondale resident Harvie Branscomb said there likely will be confusion among Summit County voters, in addition to increased challenges in making sure ballots are **calculated accurately** in November.

[this is the first time I have seen the verb "calculated" used with voter mark interpretation- but in reality it is not inappropriate- it is a computer calculation that decides if the vote will be counted or not, in most cases]

Branscomb is a former chairman of the Eagle County Democratic Party and currently volunteers with Coloradans for Voting Integrity, a bipartisan citizens group dedicated to fair, accessible and verifiable voting on the state and national levels. Branscomb also serves on the Uniform Voting System Project's public participation panel aimed at ensuring a consistent voting system across all counties.

"Most voters are going to have a problem differing between the right and wrong ballot because it is not obvious to tell," Branscomb said. "It's going to be imperative the county makes sure the correct ballot is being returned by the voter by checking the ballot number on the stub or at least the correct ballot style."

[Thanks due to the author for focusing on citizen advocacy and its role in maintaining election integrity. What roles are available to citizens in Summit County for protecting election integrity and which are likely to be effective? Among the alternatives- canvass board, election judges, watchers, media observers, CORA access. Policies about easy access to information of these roles vary widely among counties and in many cases these roles are heavily constrained by decisions of the local election official. What are the policies in Summit County?]

Although it's going to add significantly to labor costs, Neel said, the county has developed a system to protect the integrity of the election. The first wave of defense is a state-mandated practice of verifying all ballots by **double-checking** that **signatures on a ballot** match signatures on file with the county.

[I'm unclear about the "double-checking." Is this referring to a two person - bipartisan- team of election judges looking at the ballot envelope? Or does this mean that once a staff member has

pulled an envelope after a decision that the signature does not match, another person or team gets to look at it? These practices and the increasing use of automatic signature verification can lead to rejection of mail-in votes. Practices differ around the state and the public knows little about it.

I'm more than troubled by the suggestion that signatures are on the ballot itself. The CO Constitution is written to prevent this to protect voter privacy. Ballots are to be anonymous once the stub or envelope is removed. Signatures and other voter identity indications are on the envelope that must be carefully separated from the ballot to protect the privacy of the voter intent. I would hope the newspaper would make an attempt to clarify this quickly as voters may be less willing to vote if they think officials will be able to know how they vote.]

The clerk's office also plans to go through all of the **voter records** to determine which voters have been affected and to **make sure they submit the correct ballot by election day.**

[I assume "voter records" here means ballots, but a reporter should explain further what this means. Does this mean that only the contents of presumed affected voters' envelopes will be specially studied to see if the returned ballot inside is the correct style? Or will all Summit mail-in packets be treated alike as one would hope? These are the details that make or break the integrity of an election.

"Make sure they submit the correct ballot by election day" sounds like a combination of checking to see if the correct ballot is returned, but "make sure they submit" suggests a get out the vote process usually undertaken by the parties to encourage people in their party to return a ballot. I assume that the county does not intend to contact every would-be voter affected in order to "make" them return a ballot. Choice of words here make all the difference.]

Voters who submit only the incorrect ballot will have only their votes for state issues counted, Neel said. Voters who submit both ballots will only get credit for the correct ballot.

[If this is to be the case, one might ask how the ballots will be counted only partially. Will they be duplicated and then machine counted, copying only the votes for the allowed contests? Will they be hand counted, skipping the contests not to be counted? These are questions that the public deserves to know the answers to.]

"We will get through this, we have a process and we will be very thorough to maintain the integrity of the election," Neel said. "The most important thing is to make sure the election is accurate, and we will go through every record one by one to make sure voters submit the right ballot style.

[This is of course what we want to hear. What isn't mentioned is the requirement for protection of voter privacy. If every ballot is to be studied, who will be studying the ballot, what will those studying the ballot get to see and will they have access to the identity of the voter at the same time? Summit County voters are being given a window into the usually behind the scenes practices of checking eligibility and interpretation of voter marks, either by machine or by hand. This can be a very informative experience that leads to even better election integrity.]

"I don't want citizens to lose faith in the election process, because we're on it."

[Citizens should go beyond "faith in the election process." Citizens can be especially encouraged to go verify these processes for themselves using their access as credentialed watchers, whatever access the public in general is given, and the access to public records offered by Colorado Open Records Act.]

Approximately 20,000 mail-in ballots were sent out shortly after midnight Tuesday, Neel said. 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, she said.

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