



Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · www.BoulderCounty.org

Hillary Hall, Boulder County Clerk & Recorder

The Honorable Wayne W. Williams
Colorado Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Secretary Williams,

Thank you for your work to further clarify election processes and timelines for Colorado elections. We agree with most of what is being proposed. We have the following comments on the purposed rules and one addition we would like to see before the Primary Election.

Addition to Rule 2.17:

2.17 If an unaffiliated elector indicates a political party ballot preference at any time up to and including ~~the twenty-ninth~~ THIRTY SIXTH day before a primary election, the county clerk must record the selection in SCORE and mail only the ballot of that political party to the elector in the upcoming primary election. An elector's political party ballot preference is only effective for a single primary election even if there is more than one primary election in a single year.

The cut-off date to indicate preference needs to be much earlier than twenty nine days before the election. Twenty nine days before the election is too close to the date that ballots will be mailed. Twenty nine days before the election mail ballot packets have been printed and inserted, are in the final steps of processing and may already be at the vendor that sorts the ballots for maximum postal savings.

If voters are allowed to indicate a preference that late in the process, it will make it very difficult to ensure that the unaffiliated voter will get the updated and correct ballot. We suggest that first time preference be requested by the thirty sixth day before Election Day (two weeks before ballots are mailed). If a voter misses the deadline, they will just receive both ballots and still have the opportunity to vote easily in the party primary of their choice. If an unaffiliated voter has indicated a party preference and then changes their preference to the other party, we suggest these ballots be treated like an address change and a new ballot would be sent, the previous ballot voided and if time, the previous ballot would be pulled before mailing with all the other voided ballots.

Allowing for this timeline change in rule, we will balance voter's needs, ability to be successful and costs.

For Rule 10.9.2: We suggest the following addition:

A COUNTY THAT HAS SUCCESSFULLY COMPLETED A COMPARISON AUDIT UNDER RULE 10 25.2, NEED NOT RE-SCAN BALLOTS DURING A RECOUNT BUT MUST RE-ADJUDICATE BALLOT IMAGES FOR VOTER INTENT IN ACCORDANCE WITH RULE 10.13.3.

I am in favor of this rule with one critical addition; a visual inspection of all ballots must also be conducted to ensure the tabulation system will properly send all ballots that need adjudication to adjudication.

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In Boulder County, we have been using digital images with our voting system since 2004. I mention this to let you know we have been adjudication ballots for a very long time. In addition we started what we now refer to as statistically enhanced audits, precursor to risk limiting audits from 2008-2012. The experience with both of these processes have led to a very thorough understanding of how and what a digital system will process. Our experience has led to a greater understanding of what will be sent to adjudication by the system and what it will miss. We have adopted a visual inspection process before ballots are scanned to ensure all ballots are properly adjudicated. When we have a contest needs to be recounted, we repeat the visual inspection of all ballots to ensure they are properly adjudicated. The need for visual inspection is not a reflection on the tabulation system; we have used both the HART system and now are on Dominion. There are ballots marked in ambiguous ways that will not necessarily trigger the ballot be sent to adjudication.

Some examples of what could impact the outcome of a close election and not be seen by the adjudication process:

1. A voter makes a large check of x in a contest, part of the x or check goes into the contest box above that the voter had planned on leaving blank. If there are enough pixels it can trigger a vote. Since the marks are only in one box, there is no way for the system to automatically send this ballot to adjudication.
2. A voter is voting of contest where they may vote for more than one candidate. The contest allows for up to five choices. The voter votes for five candidates and then changes their mind and crosses out one of the candidates name on the ballot. They do not replace or vote for another candidate, so are now voting for four candidates. This ballot would not be sent to adjudication. The system would see the ballot as ballot cast for five candidates

We can provide additional examples if you would like.

For rule 25.2.2(i): We would suggest the following modification:

"THE SECRETARY OF STATE WILL SELECT at least one statewide contest, **AND/OR** for each county at least one LOCAL contest."

For rule 25.2.2(f): Preparing for the audit, we would suggest the following addition:

(f) Comparison audit uploads. No later than 11:59 5:00 p.m. MT on the ninth **BUSINESS** day after Election Day, each county conducting a comparison audit must upload:

This is important for the Primary as the Fourth of July and Veteran's Day holidays can impact this timeline.

For rule 25.2.3(c): We would like to have the criteria for what triggers the need for additional auditing all the way up to a full hand count. If such criteria cannot be included in this rule making process, we would like to see it in rule before the 2018 General Election.

(E) THE SECRETARY OF STATE WILL REVIEW THE AUDIT BOARD'S REPORT AND MAY DIRECT THE COUNTY CLERK TO CONDUCT ADDITIONAL AUDIT ROUNDS, A RANDOM AUDIT, A FULL HAND COUNT, OR OTHER ACTION. THE SECRETARY OF STATE MAY INSTRUCT THE COUNTY TO DELAY CANVASS UNTIL IT COMPLETES ANY ADDITIONAL AUDIT OR OTHER ACTION.

Thank you for the opportunity to comment on the proposed rules and please feel free to contact us if you have additional questions.



Hillary Hall
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