

COLORADO VOTING SYSTEM CERTIFICATION POSITION STATEMENT

Prepared for the Colorado County Clerks Association

The 2008 Presidential Election proved once again that Colorado voting systems are accurate, reliable, and auditable. Existing statute and potential legislation that would require counties to replace or retrofit current systems will result in unnecessary expenditures of taxpayer dollars.

The Colorado County Clerks Association supports maintaining the certification of those systems used in November 2008, allowing the Secretary of State additional latitude when testing new systems or upgrades to current systems, and the pursuit of enhanced audit procedures.

- 1. All voting systems certified for use in the 2008 Presidential Election should remain certified.**
 - Again in 2008, the accuracy and reliability of our current systems was proven; this time during the largest, most scrutinized election in Colorado history.
 - The repeal of HB 08-1155 should not throw Colorado back into the certification/decertification chaos that was experienced in 2007 - 2008.
 - The requirement for Direct Recording Electronic equipment to provide a Voter Verifiable Audit Trail should be repealed. Resources do not exist, at either the state or county level, for the replacement of viable systems.
- 2. Any voting system not certified by the Secretary of State prior to November 4, 2008 should comply with, at a minimum, the 2002 Voting System Standards.**
 - This sets 2002 federal standards as a baseline for system upgrades or replacements.
 - Federal voting system standards are in a state of flux. The 2005 Voluntary Voting System Standards were adopted by the U.S. Elections Assistance Commission in a hurried manner and no existing system has been certified to these standards to date. Work is underway on the next iteration of federal standards but no projected adoption date has been offered.
- 3. Federal certification should not be a requirement for approval for use of a voting system by the Secretary of State.**
 - For the first time, a federal agency has been authorized to test and certify voting systems. This has proven to be a slow and arduous. While being in effect for over 2 years, the EAC has yet to complete the process for any voting system.
 - The Secretary of State should be allowed to use future EAC certifications to grant authorization for use of a system without further testing.

- The Secretary of State should be allowed to use testing results from other states, EAC accredited Voting System Testing Laboratories, and its own testing when considering authorizing a system for use in Colorado.
- 4. Colorado voting system certification requirements should be governed by Secretary of State promulgated rules rather than statute.**
- Future changes in standards, testing procedures, system capabilities, security measures, and statutory requirements will require the flexibility made available through promulgated rule but not statute.
 - The promulgated rule process requires a public hearing for any and all changes which allows all affected parties the opportunity to voice their concerns.
- 5. Permissive use of mail-in ballots for all elections should be allowed. CCCA supports CCI's efforts in this regard.**
- The outlook for voting systems is uncertain at best. Colorado counties may once again find themselves in a position of having to spend large sums of money responding to factors beyond their control. Mail-in ballot elections are a tried and true means of mitigating those expenditures.
 - Colorado Counties, Inc. is promoting the permissive use of mail-in ballots as a viable, readily accepted method to control spiraling election costs. The CCCA is in unanimous support of their efforts.
- 6. Post-election audit requirements should be enhanced using statistically valid standards. Audit procedures should be governed by promulgated rules rather than statute.**
- The CCCA is fully committed to accurate, auditable elections. Under the guidance of the Secretary of State, audit professionals should be employed to review current procedures and recommend changes.
 - Post-election auditing is an emerging methodology for ensuring the integrity of elections. The Secretary of State should have the flexibility offered by promulgated rules in order to take advantage of the most current advancements in this area.