

Election Reform Commission – Voting Items for Final Report

[commented on and voted by Harvie Branscomb, Eagle County Canvass Board]

For Action February 17, 2009

Section 1-1-402 (4), C.R.S., requires the Election Reform Commission to report to the General Assembly as follows:

1-1-402. Duties - scope of review - meetings - report. (4) The commission shall present a final report to the state, veterans, and military affairs committees of the senate and the house of representatives no later than March 1, 2009. The report shall include the commission's recommended changes to the state's election laws and an unbiased analysis of the fiscal impact and technical feasibility of the recommended changes.

Note: The following numbered items are drawn from the recommendations of the three subcommittees. For complete information, please refer to the subcommittee final recommendations documents.

REGISTRATION AND DATABASE SUBCOMMITTEE

Item #1 – SCORE System

The Commission encourages and supports the efforts of the Secretary of State and the county 1 clerk and recorders to continue making improvements to the system in the following areas: 2

- a. Improve reporting capabilities. 3
- b. Refinement/development of additional modules. 4
- c. Resolution of technical issues. 5

Yes Y No

[Leaving this system as it is would be unforgiveable. The two options are to structurally improve it or go back to county based systems. Many would prefer the flexibility of each counties system, and the reliability which comes from having all data available locally. SCORE is based on a thin client system and will not work unless a high quality internet connection is available whenever access is needed]

Item #2 -- SSNs

The SCORE system should be expanded to allow for verification of social security numbers. 6 Specifically, the system should affirm voter ID information through coordination of SCORE and 7 the Social Security Administration database, similar to what is currently done with the 8 Department of Revenue's driver's license database. 9

Yes No N 2

[The SSA database is known to be defective. Will coordinating with it actually reduce the quality of the state database? Was the SSA database intended to be used for this purpose?]

Item #3 – Emergency Registration

The Commission recommends that section 1-2-217.5 (2) (c) be amended as follows: 1

1-2-217.5. Change in residence before close of registration - emergency 2 registration at office of county clerk and recorder. (2) The elector shall 3 declare under oath in the emergency registration affidavit that the elector wishes 4 to register to vote in the election in the precinct and county for which the 5 registration books are closed and that: 6

(c) The elector applied to register to vote prior to the close of registration in a 7 voter registration drive and is able ~~either~~ to show the receipt from the voter 8 registration application that the elector

submitted to the voter registration drive or 9 to provide the location of the voter registration drive and the approximate date of 10 registration; or 11

Yes _____ No ___N___

[the Subcommittee argues that the final (now struck out at the last minute!) sentence is tantamount to allowing election day registration. It requires the would-be voter to lie for this to be the case. Warning- the strikeout reverses the sense of the question on this issue!]

Item #4 – Proof of Citizenship

The Commission recommends legislation to require voters to provide proof of citizenship when 12 registering to vote. 13

Yes _____ No ___N___

[Beside the rare documents given naturalized citizens, and passports, positive proof of citizenship is not easy to come by. The law would probably require a better documentary proof to be created, and that would involve an additional potentially fallible bureaucracy. Better to leave this with the sworn statement of the person registering. Clerks may need protection from liability for inadvertently registering anyone who is lying.]

Item #5 – Photo ID

The Commission recommends legislation to require voters to present photo identification when 14 registering to vote. 15

Yes _____ No ___N___ 3

[Photo identification is fallible in four senses... it may fail to be matched, and it may be lost or stolen or it may be printed fraudulently, or the eligible voter may not have it.]

Item #6 – Voter registration form

The Commission recommends that the Secretary of State and the Colorado County Clerk's 1 Association work to redesign the Colorado voter registration form 2

(a) to clarify "check box" requirements, and 3

(b) to use separate form for administrative changes. 4

Yes ___Y___ No _____

[Use of a separate form will avoid a considerable amount of confusion. Obstacles to understanding and correctly filling out forms should be minimized whenever possible.]

Item #7 – Assisted living facilities

The Commission recommends legislation to exempt persons living in assisted living or nursing 5 care facilities from identification requirements for voting. In addition, the Commission 6 recommends the use of Secretary of State's rules to ensure consistent application of regulations. 7

Yes ___Y___ No _____

[consistent applications of registration rules is important- these can get into very complex situations e.g. born in Puerto Rico. Persons who lack mobility will also have difficulty maintaining accurate identification. This category should perhaps be spread beyond assisted living facilities. Perhaps this question should have been split into two.]

Item #8 – Voter registration drives

The Commission recommends the following amendments to the statutes governing voter registration drives (sections 1-2-701 et seq.):

(a) Require every circulator who participates in a voter registration drive to go through 10 training;

(b) Increase the penalties for voter registration drive organizers in order to hold those that conduct drives improperly to a higher level of accountability.

Yes _____ No N 4

[This approach does not solve either the voter's problem at the polls, or the one who doesn't receive the expected mail in ballot. Existing training for VRD is sufficient and already an obstacle especially in rural CO. Penalties for the public shouldn't exceed penalties for county officials who register voters incorrectly.]

Item #9 – Verification period for UOCAVA and ID-deficient voters

The Commission recommends expanding the current eight-day post-election signature verification period to allow for continued receipt of UOCAVA ballots, and for providing identification to voters who are identification-deficient.

Yes Y No _____

[Extending this period for UOCAVA is helpful. Allowing ID deficient voters to satisfy the requirement after election day is also a benefit to voters.]

Item #10 – National voter registration database

The Commission recommends participating in the implementation of a national voter registration database.

Yes _____ No N

[This is another formula for a potentially fallible and obstructive bureaucracy.]

Item #11 – Governing board for SCORE

The Commission recommends legislation to establish a board of directors to provide oversight to the operations and direction of SCORE.

(a) The board will consist of the Secretary of State and a specified number of county clerk and recorders, who will serve specified terms.

(b) The board will be chaired by the Secretary of State.

(c) Board members and the chair will have equal voting weight.

(d) The chair will have veto authority over any vote taken.

(e) The board will meet no less than four times annually.

Yes Y No _____ 5

[If SCORE is to be continued it must be managed with better transparency. Such a board must not consist only of the SOS and county clerks. All affected parties should be represented.]

TECHNOLOGY AND AUDITING SUBCOMMITTEE

Item #12 – Voting system certification

The Commission recommends legislation to amend the statutes on voting system certification as follows:

2
3

a. HB 08-1155. Extend the interim emergency certifications provided for in House Bill 08-4 1155 through the 2013 election cycle.

[HB-1155 had a sunset put on it for a reason. This was to make sure the legislature pays close attention to the future of these known to be defective machines. The extension of this sunset for

5 years is irresponsible and may result in very little being done to remedy this situation, as opposed to a lot being done if the legislature so chooses.]

6

b. VVPATs. Repeal the requirement that all DRE voting equipment have voter-verified 7 audit trails (VVPATs) by 2010. 8

[Jefferson and Arapahoe counties should abide by the law in general. To delete a law only for their benefit and to allow them to continue to operate in an inconsistent unverifiable and un-auditable mode (when the CRS do now and will require audits in the future) is irresponsible especially if the exception is made for more than one year at a time.]

9

c. Paper ballot/optical scan-based EVS. For all elections after 2013 election cycle, and for 10 all new electronic voting systems purchased and utilized before the 2013 election cycle, require 11 all counties to utilize a paper ballot/optical scan-based electronic voting system that has been 12 certified under the revised procedures recommended below. 13

[At present there is a technical consensus that PBOS (paper ballot optical scan) is the preferable system. The new federal Holt Bill will if passed require PBOS systems with the possible addition of Ballot Marking Devices. This does not mean that by 5 years from now a better voting system will not have been invented. If so, Colorado law should be changed to endorse the better system also, well before it is available for use in Colorado. This will require annual monitoring of available improvements and adjustments of Colorado law, particular in regard to certification testing. This implies the need for an ongoing effort with good transparency and participation of the legislature, the Secretary of State, the clerks and the public.]

14

d. Certification of paper ballot/optical scan-based system and modification of EVS whose 15 certifications have been extended (applies to all new EVS and modifications to certified EVS). 16
[This line has become nebulous.]

I. Repeal requirement that all EVS must be tested and certified as meeting current federal 17 standards. 18

[Under the current conditions of federal testing, this is reasonable. Federal tests which had been relied upon must now be implemented in Colorado. This may require changes to CO certification specifications.]

II. Allow EVS whose certifications are extended through the 2012 general election [2013 19 election cycle?] to be modified subject to testing and certification by the Secretary of State 20 that the systems, as modified, meet all Colorado testing and certification requirements. 21

[It is unclear if this means that some systems may be used without completing the regular Colorado certification process. ie. they meet the requirements but have not completed the program? Why is this sentence needed?]

III. Change the testing and certification completion requirement in Section 1-5-617 22 (1)(c), C.R.S., from 90 days to 180 days. 23

[This can only be considered a reasonable and desirable change.]

IV. Allow the Secretary of State to utilize and rely upon testing done by another state's 24 secretary of state or chief election official, or by a federally certified testing lab, provided 25 that the Colorado

secretary of state has complete access to all test documentation, test data, 26 and test reports, and provided that the Colorado Secretary of State make written findings and 27 certify (A) that he or she has reviewed the test documentation, data, and reports and finds that 28 6 the testing has been conducted in accordance with state-of-the-art engineering standards and 1 practices and (B) that the testing met each applicable Colorado requirement. 2

[This is reasonable only if the SOS makes public the documentation which it has complete access to, and makes public the intention to bypass certain portions of the Colorado tests based on specific information gained.]

Yes _____ No N

Item #13 – Post-election audits

The Commission recommends legislation to revise the statutory requirements for post-election 3 audits in section 1-7-514, C.R.S., to require a risk-based audit methodology instead of the current 4 fixed-percent audit. All aspects of each election (mail-in voting, early voting, election day 5 voting, other) should be subject to the same audit requirements. In addition, the Commission 6 recommends the following: 7

a. Require all voting systems to report votes in auditable batches. 8

[This may require some work outside of what the vendors currently supply, but is crucial.]

b. Define the confidence level required, e.g. 90 percent or some lesser confidence level. 9

[The confidence level of 90% is not particularly confident, and only suitable for local races containing a relatively small number of audit units where it is very expensive to reach confidence above 90%. The 90% is embarrassingly low for a statewide race.]

c. Require audit units to be randomly selected. 10

[This ignores the recommendation to allow some audit units to be targeted by interested parties.]

d. Require that the audit process to be transparent. 11

[This is very important, but not spelled out.]

e. Require audit processes to be developed for each voting system in Colorado and 12 accomplished in a way that is easily understood by public officials charged with completing the 13 work. 14

[No doubt, important but not to restrict the technical quality of the audit.]

f. Set out in statute the general requirements, standards, and procedures for a risk-based 15 audit. 16

[Must be with participation of experts in both auditing and in statistics as it relates to sampling in elections.]

g. Require the Secretary of State to implement risk-based election audits by notice and 17 comment rule-making, resulting in a new election rule giving guidance to the counties as to the 18 specific requirements, standards, and procedures to be followed. 19

[SOS notice and comment rule-making is not sufficiently transparent to obtain adequate interaction with interested parties, and fails to share important information.]

Yes Y No _____ 7

UNIFORMITY AND SIMPLIFICATION SUBCOMMITTEE

Item #14 -- Mail ballot elections

The Commission recommends legislation to allow counties the option to conduct primary [and 1 general?] elections by mail, if the legislation contains the following requirements: 2

[Note the Subcommittee did not recommend general elections be conducted by mail. This is a recent edit. Mail ballot elections suffer from poor chain of custody, low verifiability, additional potential for voter fraud, additional potential for failure of ballots to count, etc.]

3

a. Minimum threshold. Before an all mail ballot election is allowed, the absentee voter 4 participation in the county must exceed 50 percent of all active voters in the previous presidential 5 or gubernatorial election. 6

[This sentence implies that majority rule should apply in deciding the means of voting.. contrary to the frequent advise of clerks who argue that flexibility and choice is better (particularly for themselves, apparently).]

7

b. Service centers. Counties conducting elections by mail must include a sufficient number 8 of service centers established by formula. The service centers must provide consistent services 9 to the voting public, and each must have secured computer access, be ADA-compliant, include a 10 sufficient number of DREs, a sufficient number of voting booths, the ability to distribute second 11 original ballots, have the ability to distribute replacement ballots, serve as ballot drop-off 12 locations, and provide the ability to register in an emergency manner. In addition, the legislation 13 must: 14

[Service Centers are vote centers. Vote centers reduce opportunities for citizen oversight and rely on less citizen involvement. Service centers will encounter problems supplying all ballot styles for a county.]

I. Require minimum hours of operation and number of days open prior to election day. 15

II. Require service centers to be available during early voting. 16

III. Public comment – Require designated election officials to determine the number, 17 location, and manner of operation of service centers, including poll watching activities, in 18 consultation with major and minor political parties. Require a public comment period. 19

[This provision is not objectionable but it does not fulfill the requirements of transparency for the mail ballot election.]

20

c. Election preparation. Designated election officials must meet with an election vendor to 21 determine whether the vendor has the ability to provide sufficient mail ballots in a timely 22 manner, and meet with the U.S. Postal Service to coordinate ballot mailing, receiving, and 23 tracking. 24

[Reasonable.]

25 8

d. Voter eligibility. Legislation must include mandates of designated election officials 1 regarding who receives mail ballots. Retool Colorado's "active/inactive" voter registration 2 designations. Require the legislation to consider SCORE. 3

[This is a surprisingly complex issue. Consistency would be good as long as the rules created are not obstructive of the franchise.]

4

e. Unaffiliated voters. The legislation must establish deadlines for affiliating with a party 5 when conducting a mail ballot election. 6

[This represents a change for unaffiliated voters during primaries, apparently unavoidable unless they are given ballots for both parties and allowed to vote only one of them.. which would

exacerbate the chain of custody issues for ballots unless both ballots can be printed on the same page and the voter must choose only one of the sets of contests to vote.]

7

f. Issuing/counting ballots. The legislation should allow designated election officials to send 8 ballots as early as 30 days prior to the election, and bulk mailing no later than 21 days prior. The 9 legislation should address how a voter requests a replacement ballot, and allow designated 10 election officials to begin counting ballots at least 22 days before the election.

[Sending ballots early enough is necessary. but counting ballots 22 days before the deadline is dangerous to the integrity of the election results. 22 days is too early. 3 days is probably also too early.]

11

12

g. Return of ballots. The legislation should require uniformity related to methods of 13 returning ballots. At a minimum, each polling location/service center must have a secure 14 receptacle for voters to cast or drop off their mail ballot, and the security of the receptacle must 15 be consistent with the security of paper or provisional ballots under current requirements. Also, 16 the legislation should consider stand-alone return boxes and certification for ballot collection 17 drives. 18

[Stand-alone return boxes present security problems and should not be necessary if service centers are in place.]

19

h. Postage. The legislation should require (or allow) counties to pay postage, with the State 20 reimbursing counties if it is a requirement. 21

22

i. Homeless voters. The legislation should address services for homeless voters, including 23 allowing such voters to list the county clerk's office as the mailing residence for obtaining a mail 24 ballot. 25

[Reasonable. There are other would-be voters with no mailing address too..]

Yes _____ No N 9

Issue #15 -- Healthcare facilities

The Commission recommends that the term "health care facilities" be defined in statute. 1

Yes ___?___ No ___?___

[]

Issue #16 -- Training

The Commission recommends legislation to require the Secretary of State to produce an 2 elections manual addressing election officials' application of election laws and rules. The 3 election manual must be free and publicly available online, and in a downloadable and 4 searchable format.

Legislation pertaining to the election manual must address the following: 5

6

a. Base line Secretary of State training. At a minimum, the manual must contain 7 instructions regarding: 8

I. all pre-election day matters and voter registration issues; 9

II. all election day issues, including voter identification requirements, treatment of 10 spoiled ballots, and poll watcher requirements; and 11

III. proper ballot counting for each approved voting module/system, including the 12 hand-counting method used in some Colorado Counties. 13

[Hand counting methods are used in all Colorado counties and must be made more consistent and accurate. A consistent training manual is only vialble if it does contain instructions

appropriate to every county. With the huge variation in size and means of managing elections in Colorado counties it is very doubtful that this can be accomplished.]

14

b. Distribution to election officials. The legislation should recommend that designated 15 election officials forward county-specific rules to the Secretary of State for inclusion in a 16 separate section of the election manual. The legislation must require the Secretary of State to 17 promulgate a rule requiring designated election officials or agents to, in cases of dispute, consult 18 the election manual prior to consulting local rules in any primary or general election. The 19 election manual must be distributed to each county's election official. The election manual must 20 be bound and its cover must bear the title "Official Election Manual" and the Colorado state seal. 21

[The requirement to consult the manual is curious, when compared to requiring the official to consult the relevant law and rule. Will the manual become a third leg of the regulatory apparatus for elections, without the public process attached to the other two? This seems problematic.]

22

c. Distribution to polling locations. Sections of the Election Manual relating to election 23 day laws and rules must be distributed to each polling location/service center. The legislation 24 should recommend that poll workers be trained to consult sections of the election manual 25 regarding any dispute prior to consulting local rules in any primary or general election.

The 26 10

election manual must be distributed to each county's election official. The portion of the election 1 manual sent to polling locations must be bound and its cover must bear the title "Official 2 Election Manual for Poll Workers" and the Colorado state seal. 3

[The requirement to consult the state manual first may cause confusion when the local rule necessarily overrides the advice from the state manual. It seems more likely that the poll worker would want to consult a county specific manual first and only go to the state manual in case of need for escalation.]

4

d. Video training. The legislation must recommend that the Secretary of State contract 5 for the professional production of a training video consistent with the contents of the election 6 manual. The video must be free and publicly available online, in a downloadable and viewable 7 format, and must be used in conjunction with any training provided at the local level. 8

[Video training for specific commonly performed tasks could be very effective. Any attempt to provide the whole manual in video is unlikely to remain up-to-date and would be very expensive to customize to different counties. It may be valuable to create specific modules in video.]

Yes Y No

Issue #17 -- Forms

The Commission recommends legislation to address election forms, including voter registration, 9 mail ballot application, combination, and provision ballot forms, with the following provisions: 10

a. The Secretary of State must dedicate resources to obtaining professional guidance for 11 the development of forms that minimize voter confusion and maximize ease of use. Require 12 Secretary of State to develop documents with professional guidance. 13

b. The legislation must require rule making regarding what constitutes approved and 14 acceptable forms certified for use and acceptance by eligible voters, campaigns, voter 15 registration drives, and designated election officials. 16

c. The legislation must establish uniformity with regard to how forms are used inside 17 polling locations, particularly the management of provisional ballot forms and envelopes by 18 election judges and personnel. 19

[Forms design must be advised by professionals but also by interested parties and potential users.]

Yes Y No 11

Issue #18 -- Primary elections (Note: The subcommittee did not reach a consensus on this issue, but suggested that option (b) seems to be the cleanest, most viable solution)

The Commission recommends legislation to address the requirement that a county clerk and 1 recorder hold a primary election when there is no contested race in the primary. The 2 Commission recommends that a clerk and recorder be allowed to designate the winner of an 3 uncontested primary election by one of the following methods. (Choose 'Yes' for only one item) 4

5

a. Cancelling the primary election. 6

Yes No N 7

[Cancelling the election will put pressure on late arrival candidates not to add their names to the ballot. The election process must always encourage more participation by voters as well as by candidates.]

8

b. Holding a primary in a legal sense, but allowing the clerk and recorder to dispense 9 with collecting or tabulating votes. 10

Yes No N 11

[This would basically be operating a fraud, and exercising our officials in how to run a dictatorship.]

12

c. Holding the primary, but limit all votes to a single polling location, thus creating a 13 single polling vote center. 14

Yes ? No 15

[Ditto but more acceptable to the solution number two. Here at least it is obvious that the vote process is deliberately inconvenient, and obvious that the election is lacking any contest. Better than cancelling the election completely.]

Issue #19 -- Canvassing board procedures

The Commission recommends legislation to address the need for uniformity and simplicity with 16 regard to canvass board procedures. The legislation should include the following provisions: 17

a. Composition of canvass board. The legislation must explicitly require clerk and 18 recorders to tell county chairs the number of canvass board members necessary to complete 19 work, and require the county chairs to each appoint the same number of members. 20

[this is not unreasonable.. parity on the canvass board is essential.]

b. Decision-making procedures. The legislation should specify proper procedure for 21 reaching decisions and provide for uniform application of how members are counted. 22

[Procedures and authority should be specified. Clerks should not be able to control canvass boards.]

c. Duties of canvass board. In addition to current duties, the legislation should stipulate 23 one of the following: 24 12

I. Require the boards to ensure the number of ballots cast in each precinct does not 1 exceed the number of eligible voters in any precinct; or 2

[Use of the phrase "eligible voters" here is unclear. If this means those eligible who attempted to vote, then at least this provision is sensible, if incomplete. Usually "eligible voters" means "registered voters" but it is still unclear if it is the number of "active" or "active plus inactive" registered voters. In either case this small addition to the canvass board role is better but insufficient.]

II. Allow canvass boards to inspect and investigate where the number of votes cast fail to 3 align with the number of eligible voters. 4

[ditto the previous caveat. This is a more flexible description which gives a bit more role to the CB to ensure that would be eligible voters were not prevented from voting after arriving at the polls- (this can happen due to interactions with the poll book, SCORE, etc.). Preferably the CB role would include verification that the rights of each eligible voter attempting to vote are protected.]

d. Remedies for improper certification. The legislation should allow minor party and 5 unaffiliated candidates to bring objections to the canvass board process to the Secretary of State, 6 who will then investigate and resolve any procedural problems. 7

[This is reasonable. Also the CB itself should have an administrative route to challenge the decisions of the designated election official particularly in respect to CB procedure.]

e. Remedies for failure to certify. The legislation should explicitly require canvass board 8 to either certify election returns or transmit to the Secretary of State non-certified results with an 9 explanation for the non-certification. 10

Yes Y No

[Statute provides no advice on how to handle an election which cannot be certified due to errors found by the canvass board. Statute may not simply require the Canvass Board to certify an election. Only a court should have jurisdiction to force such an outcome.]

Issue #20 -- Online voter registration

The Commission recommends that legislation be adopted to allow on-line voter registration.

11

Yes No ?

[A complex topic. No clear solutions yet other than requiring interception of all electronic change of registration requests to be handled by the appropriate human being.]

Issue #21 -- Future SCORE funding

The Commission recommends that legislation be adopted to provide a source of funding to 12 maintain the SCORE system after the existing fund source is exhausted. Such legislation should 13 address whether counties should uniformly be required to contribute funding to support SCORE. 14

Yes Y No 13

[]

Issue #22 -- Overhaul active/inactive statute

The Commission recommends that legislation be adopted to make a major re-haul of Colorado's 1 active/inactive statute. 2

Yes Y No _____

[The current statute might merit review, but there are many statutes for elections which are more problematic than this one: recount provisions, for example. If a review results in transferring more responsibility to the voter, this would be counterproductive.]

Issue #23 -- Overhaul Title 1 in its entirety

The Commission recommends that the Secretary of State form an ongoing working group to 3 engage in serious work to re-haul Title 1 and that the Secretary of State, along with the 4 legislature, will continue to advocate for significant revisions guided toward bringing uniformity 5 and simplicity to the elections environment in the State of Colorado. 6

Yes Y No _____ 14

[Very important. The Title 1, but more so the SOS rules pursuant to Title 1 need to be reviewed and updated into a consistent whole, based on agreed upon goals and priorities for a quality election system and using a very patient and open process of public involvement and consultation with advisors from all relevant fields of experience.]

Issue #24 -- Tribal Identification

The commission recommends that legislation be adopted to expand the acceptable form of 8 identification required for voter registration to include tribal identification cards issued by a 9 federally recognized Indian tribe that certifies that the eligible elector is a member of the tribe 10 and is at least 18 years of age at the time of the election. 11

12

Yes Y No _____ 14

[Reasonable.]

Issue #25 -- Uniform Notice and Correction of Deficiencies

The commission recommends legislation to create uniformity across all counties with regard to 1 the following: 2

- a. Which deficiencies in voter registration information can be cured and which deficiencies 3 are fatal to registration; 4
- b. The manner in which voters are informed that identification is required to be included in 5 mail ballots; and 6
- c. What types of locations are suitable for dropping off mail ballots on election day. 7

8

Yes Y No _____

[all above topics became issues in 2008- and this is not a complete list. They do all merit clarification for consistency. Numerous voters inserted their copy of id (sometimes their actual ID) into the secrecy sleeve of their mail in ballot thus potentially making it difficult for the election judge checking signatures to know if the ballot was eligible for counting or simply ID deficient. This step occurs prior to opening of the secrecy sleeve. In other cases the ballot arrived in the counting room and was opened but anonymity was broken by the appearance of the ID. Many issues like this one exist to be resolved.]

MISCELLANEOUS AND ADDITIONAL ITEMS

Issue #26 – Extension of Commission

The Commission recommends the creation of a permanent Election Reform Commission. [any 1 changes name of commission, scope of duties, etc.?] 2

Yes Y No

[The ERC should be continued and in some form made permanent but not lazy or necessarily authoritative. The Dept. of State cannot be trusted to represent the public in pursuing a continuing renewal of our election system responding to the latest information, concepts and technologies available to us. This is particularly of concern now that we have taken the giant step to normalize and centralize a big portion of our election management via SCORE. What was once to some degree beneficially decentralized in the past is now being authoritatively managed (even to the extent of proposing to publish a bound book of statewide procedures). With centralization we lose the market for good ideas and instead must depend on deliberate search for excellence, innovation and improvement because it will no longer naturally grow within our own decentralized counties. We need an Election Reform Commission to substitute for the former freer decision-making process. Of course we also need an extended period of cleanup to make sense of the laws and rules which we now have and to coordinate them with goals to be established. We see too much repetition of "efficiency" "cost" "simplicity" "uniformity" and "confidence" as goals when we should hear more about "accuracy" "transparency" "reliability" "accessibility" "accountability" "verifiability" "security" "anonymity" and "privacy". An ERC properly constituted would seek to properly express, prioritize and motivate implementation of these goals in statute over a longer period of time.

There is an additional need for advisory technical expertise which is outside of the clerks offices and outside of the Department of State to provide both oversight and independence of critical decisions related to the audit of our election. This would perhaps be known as a State Election Oversight and Audit Board or the like. It is a permanent function which could grow out of a permanent Election Reform Commission.]

[Comments by Harvie Branscomb 2/16/09]