



February 9, 2009

The Honorable Ken Gordon, Chair, and Commissioners
Colorado Election Reform Commission
200 East Colfax Avenue
Denver, Colorado 80203

Dear Chairman Gordon and Commissioners:

Regarding the Final Recommendations of the Election Reform Commission's Registration and Database Subcommittee, we wish to express limited support on some matters and a strong expression of caution to be taken in considering the remainder.

We think you are aware that there are significant, perhaps fatal, **technical issues with SCORE** that need to be addressed. The Election Reform Commission is in receipt of a scathing evaluation of SCORE by election-quality advocate Al Kolwicz. Although the office of the previous Secretary of State chose to set aside this evaluation, Mr. Kolwicz has responded with a request for a hearing. It is regrettable that the Subcommittee chose not to make any statement on the technical issues involved.

Where will the money come from that will address the technical issues and other deficiencies that make the SCORE database less than useful and possibly dangerous to Colorado's elections? The Subcommittee poses this question and we heartily echo it.

Item 5—We take exception to the characterization that the sentence to be deleted necessarily amounts to same-day registration. If the voter can demonstrate that he or she did indeed register within the registration period, why would the committee want to turn that voter away? C.R.S. 1.217.5 should be retained.

Item 6 requiring proof of citizenship and **Item 7** requiring a photo ID are similarly sticky issues. These items may have partisan motivation. We caution that they may intend more to protect the designated election official from vulnerability caused by the language in the election code than to protect the interests of eligible voters who may be inconvenienced or blocked from voting by the requirement. Appropriate changes to the CRS 1-2-202 may address these concerns.

Items 8 through 10 are less problematic. We agree that the registration form needs to be redesigned for better clarity and that a separate form should be available for changes in a

voter's information, such as affiliation. The caveat at the end of **Item 8** regarding people in care facilities is unclear to us, and we hope it is discussed during the hearing.

Additional training for groups doing voter registration drives (**Item 9**) must not be onerous. Training needs to be focused on solving specific problems seen during 2008. We should be sure that penalties for VRD mistakes are not more severe than penalties for errors made by election officials performing the same functions.

One of the major concerns with **Item 10** is whether the Social Security Administration database is accurate. Please acquire sworn testimony on this topic.

We heartily support the proposal in **Item 11** to allow the eight days following Election Day for receipt of properly postmarked (7:00 p.m. on Election Day) overseas ballots and for contacting ID-deficient voters to provide ID if the means of contact are sufficient to reach these voters in most cases. Note that voters sometimes place their ID in the secrecy sleeve with their returned ballot, and therefore the ID is not seen by the election judges tasked with determining voter eligibility. This may mean that ballots of voters who actually supplied ID are considered ID-deficient. It is important to correct for this condition, which is a side effect of mail-in elections, by allowing voters to supply ID during the provisional cure period.

Item 12, supporting a National Voter Registration Database, seems premature because Colorado has not yet been able to succeed at creating an acceptable statewide database. Any consideration of a national system would require extensive investigation and public discourse concerning the side effects of adoption.

We find the **"Amendment" to the Subcommittee's report** to be focused on the needs of the clerks to the detriment of the needs of Colorado's citizens and certainly lacking their input. The previous decentralized and somewhat competitive county registration systems have been replaced by a mandated single system. Whereas previously the market for ideas provided some opportunity for natural incremental improvement of the system, now we must depend on a bureaucracy to maintain it, as the Amendment notes.

We suggest that the Governor make appointments of one citizen per county and several to a dozen citizens to serve at large on the advisory committee that is proposed. Citizens' perspectives on the needs and requirements surrounding elections differ markedly from those of clerks. For example, the mere mention at the top of page four of transferring voter registration records electronically raises the specter of loss of personal privacy via the internet. The medical doctors of Colorado have agreed not to transfer records via the internet; instead they have planned a dedicated, private network so that patient privacy can be maintained. As the registration records of a citizen are no doubt much less voluminous than many patients' medical records, paper transfer seems sufficient and ensures that some

human interaction with the record will be performed, which will help remove unexpected or hidden side effects of the design of the transfer system.

Note that the three members of the Registration and SCORE Subcommittee are all election officials and there is no contribution from alternative perspectives represented in their recommendations.

We hope you will take these concerns, and particularly the need for a continuing process involving the public, into account in the Election Reform Commission's suggested legislation.

Yours truly,

The Board of Directors, Coloradans for Voting Integrity (CFVI)