

## HB 09-1205 Concerning Voting by Members of the Armed Forces Serving Outside the United States

I am Nancy Doty, Arapahoe County Clerk & Recorder, and I would like to take this time to comment on HB09-1205.

First, I support the provision in the bill that covers emergency registration and allows those electors to register to vote within 29 days prior to an election if they had been absent from their place of residence as a result of serving outside the United States or if they have moved to a new county or residence after the close of the voter registration date.

A significant portion of this bill addresses internet voting for our military voters. I agree with Doug Chapin, Director of Make Voting Work, who stated, "We cannot allow the men and women who defend our country to be denied the ability to exercise the basic democratic right to vote."

HB09-1205 would allow Colorado to set up a pilot program allowing internet voting for absent uniformed services electors. While I do believe the time frame called for in this bill is too aggressive, I do support the endeavor.

First, let me state some statistics regarding our military voting history:

A study by the PEW Center found that one-third of all states do not provide enough time for our military personnel stationed overseas to vote. The Election Assistance Commission found that only one-third of the estimated one million ballots distributed to military and overseas voters in 2006 were actually cast or counted. The report found that Colorado was one of 25 states that was part of the problem. There were several issues of concern for Colorado:

- A. First, it found that in Colorado the military personnel overseas were able to vote only if they returned their completed absentee ballots by fax or e-mail—a requirement that raises concerns about the access to technology and the privacy of security of their votes. Current law requires the ballot to be in possession of the County Clerk and Recorder no less than 32 days before the election. Arapahoe County mails the UOCAVA ballots immediately upon receipt of the ballots and they are mailed from my office, not by the vendor. PEW researchers believes that to resolve this problem there must be a minimum of 45 days to allow ballots to travel between voters and election offices.

- B. Currently we are only allowed to email ballots to members of the military. However, we cannot email the ballots directly to the military voter or receive them directly from the voter. Rather, the ballots are faxed to a third party (ETS) at the Department of Defense. The Department of Defense then emails it to the voter. The voter completes the ballot and emails it back to the DOD. Then the DOD faxes the ballot to us.
  
- C. In 2008, Arapahoe County sent out 521 military ballots, 333 were returned and counted. There were 789 overseas ballots sent and 622 returned. We faxed 189 ballots to military and overseas and of those faxed, 127 were faxed back. We emailed 106 military ballots thru ETS and of those 55 were returned via email.

I have researched "internet voting" and found that Okaloosa County in Florida set up such a pilot program for the 2008 general election and was determined a huge success by county officials. I talked to Paul Lux, the Supervisor of Elections for the county. He called this pilot project a "baby" step to fully implementing internet voting.

First, the project was funded and managed by Operation BRAVO Foundation (Bring Remote Access to Voters Overseas) which is a 501(c)(3) organization that was established for the charitable purpose of helping our overseas voters effectively exercise their Constitutional right to vote. And from the reading I have done, I have learned that the Foundation will conduct experiments in partnership with state and local election officials seeking methods to reduce the high failure rate in overseas voting. It is the Foundations' goal to find methods to improve the voting success rate of overseas absentee voters to be equivalent to that of stateside absentee voters by the 2016 election. Therefore, this may be the best time for us (Colorado) to get on board by being the next pilot project for internet voting.

The project involved setting up three overseas "early voting centers" in England, Germany and Japan. Kiosks were staffed by poll worker volunteers for 10 days prior to the election and were open to all qualified military and civilian voters in the vicinity. Voter identity and eligibility was verified by the kiosk officials. Secure laptops were used for voting. Each location was connected to a secure server called VPN (Virtual Private Network) in Barcelona, Spain. Any secure data center will do. When the voter finished voting, the ballot selections were confirmed by the voter and the voter's digital signature was applied when the vote was cast. The encrypted ballot was transmitted via the private network (VPN) to the county server where it was stored until time for ballot processing. Each voter received a receipt that allowed them to individually verify that their vote was included in the final election tabulation. It did not contain how the voter voted so it could not be used for vote selling or other fraudulent purposes. However, the voter was required to

print out an anonymous record of their vote, turn it in to the kiosk worker and then paper record was compared to the electronic ballots during the post election audit.

After the polls closed, the canvassing board met to reconstruct the ballots and the votes were electronically tabulated. The order of the cast ballots was mixed during the process to prevent any correlation between ballots and voters. The canvassing board tabulated the ballots and prepared a combined tabulation report for all the kiosk locations. The tabulation report included a list of "counted as cast" receipts that was posted on the county website so that voters could verify that their ballots were counted. After the election, the county validated the system performance by a manual count of 100% of all races.

Ninety-four voters participated, 93 ballots were cast. Voters found the system easy to use and would like to continue voting that way. Eight voters traveled from 50 to 100 miles to participate. The project managers are looking at the feasibility of using kiosks in combat zone locations and staffing the kiosks by Voting Assistance Officers. They feel they need 4 to 5 states to participate in future projects for a meaningful scope of testing. The deadline for commitment is June 2009.

For our own pilot project I believe we have two options: one is to piggy back on the BRAVO project, but that means being committed by June 2009 and we would need to be accepted OR extend the date for our own project to a more realistic date of 2012 due to the many details involved in setting up a project of this magnitude.

The last point I'd like to make regarding this bill is that I fully support allowing those military ballots received up to eight days after the election to be counted. In Arapahoe County we received about 25 mail ballots from military and overseas voters that were post marked on or before election day but were received too late to be counted. I **do not** believe that ballots sent electronically should be given the eight day additional time frame as included in Section 3 of the bill.

Thank you for your time. I appreciate you allowing me time to contribute to the decision making of this important legislation.