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Department of State

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Secretary of State

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Interim Report on April 5, 2011, Colorado Springs Municipal Election

Colorado Springs City Clerk Kathryn Young, mayoral candidates Brian Bahr, Tom Gallagher and Buddy Gilmore, and city council candidates Lisa Czelatdko and Angela Dougan invited Colorado Secretary of State Scott Gessler to observe the upcoming April 5, 2011, municipal election.

Secretary Gessler instructed his staff to thoroughly and independently review election procedures; this review required open access to the Clerk's office and other locations where election activity occurs. Wayne Munster, Deputy Director of Elections, Christi Heppard, Special Projects Coordinator, and Jerome Lovato, Voting Systems Specialist, have represented the Secretary of State's office. During the initial visits Clerk Young, her staff, and election workers were welcoming, knowledgeable and well prepared for the election. Clerk Young provided the Secretary's observers full access to her location, staff and procedures.

The review of elections processes is ongoing and will take several trips because in a mail ballot election, activities must be reviewed over a period of time. This interim report covers the following two staff visits by the Secretary of State's office:

March 21, 2011

Team members: Wayne Munster, Deputy Director of Elections
Jerome Lovato, Voting Systems Specialist
Christi Heppard, Special Projects Coordinator

Processes reviewed: Overall procedures
Security
Voting equipment preparation
Ballot issuance and processing
Drop off location procedures and accessibility

March 22, 2011

Team member: Wayne Munster

Process reviewed: Signature verification

Election Procedures

The Secretary's observers first reviewed written procedures in order to verify that processes were document and followed. Clerk Young provided two copies of the city's Elections Process Manual to the Secretary's observers. The observers carefully examined the manual and found the content

comprehensive and superior to manuals used by other municipal clerks. The manual sets out election procedures for the following categories:

- drop off ballot receipt
- mail sorting
- return envelope image archival
- signature verification
- ballot counting
- replacement ballot issuance
- provisional ballots
- health care facilities
- canvass of vote

After examining the manual, the Secretary's observers inspected the Clerk's operations, to determine whether staff operations conformed to documented procedures. As part of this review, Clerk Young also provided the following materials to the observers:

- samples of election forms and oaths
- applicable ordinances
- the election calendar
- ballot drop off location list
- 2011 Election Fact Sheet
- election judge training schedule
- copy of the city's mail ballot plan

As discussed below, the Secretary's observers reviewed the following operations:

Security

The Secretary's observers paid particular attention to security measures. Although the City operates under a home rule charter and is not legally required to follow any security procedures established in the Election Code or Election Rule 43, the Secretary's observers noted that overall security procedures appeared to generally conform to or exceed those established in Code and Rule.

Physical Security- Ballot processing and preparation activities are completed in areas where access is restricted by a locked door. Authorized, sworn staff is required to use a key code to open the door. The Secretary's observers confirmed these procedures were followed.

Ballots- A sizable number of ballots must be made available for issuance and replacement. The Clerk stores unused ballots in a vault located in a secure, restricted portion of the Clerk's office. Only Clerk Young and her Deputy Clerk have keys to the vault. The Secretary's observers confirmed that ballots were stored in the vault.

Election Workers- All staff in the Clerk's office operate under oath. Clerk Young also requires mail room staff and security workers in the building to act under oath. Election workers, including student judges, take an oath prior to beginning their duties. The Secretary's observers confirmed that elections workers, mail room personnel, and security staff wore credential badges identifying them as election workers.

Ballot Processing

The Secretary's observers reviewed procedures used for issuing and processing ballots to ensure appropriate handling and election integrity.

Issuance and secrecy sleeves- Clerk Young contracted with Elections Systems and Software, an elections vendor, to print and mail approximately 147,000 ballots for the April 2011 municipal election. While the Secretary's staff heard reports that some or all ballots mailed by the vendor may not have included a secrecy sleeve, the Secretary's observers found no evidence of this. In fact, Munster observed a voter who brought her ballot to the Clerk's office and claimed that a secrecy sleeve had not been included. Munster and the Clerk's staff noticed that the elector was actually holding the secrecy sleeve as she made the inquiry. Munster obtained a sample of the secrecy sleeve for reference purposes.

Clerk Young made the Secretary's observers aware of an unrelated minor issue with the secrecy sleeve. During ballot printing and mailing the secrecy sleeve was inadvertently glued by the vendor in such a manner that sometimes resulted in the top border of the ballot not being covered by the sleeve. The Clerk's office has received calls regarding the matter and has and will continue to instruct voters to loosen the sleeve prior to placing the ballot inside.

The Secretary's staff does not believe this issue to be significant or to imperil the integrity of the election.

Undeliverable ballots- Clerk Young told observers that as of March 21, 2011, approximately 30 ballots had been returned by the post office as undeliverable. The number of undeliverable ballots typically reflects the accuracy of the voter registration list. Thirty ballots is an unexpectedly small percentage of the number of ballots mailed (0.02%). The Secretary's observers anticipate that this number will increase over time and reach a percentage normally seen in elections conducted by county clerks. The Secretary's observers did not manually verify the number of undeliverable ballots, but there is no reason to believe the figure provided by Clerk Young is inaccurate. Rather, the observers believe that the post office had not yet processed all undeliverable ballots.

The Secretary's observers will continue to monitor the number of ballots that are returned by the post office as undeliverable.

Ballot batching- Ballots are returned to the Clerk either by mail or at drop off locations. Clerk Young sends two sworn city employees to pick up mail from the local post office twice each day. Ballots are immediately sorted and delivered to the Clerk's office.

Voters may also choose to drop off their ballots at one of the City's seven drop off locations. Information about drop off locations can be found in the Drop Off Locations section of this report. A team of the Clerk's sworn staff members picks up ballot boxes from each location nightly. Once drop off boxes are returned to the Clerk's office, Clerk Young's staff verifies seal numbers before opening the boxes and counting the number of ballots inside.

Once ballots are in the Clerk's office, election workers, including student election workers, date stamp and bundle ballots into batches of 50. The Secretary's observers witnessed the ballot batching process to verify that documented procedures are followed.

Batches are then placed in sealed trays containing a total of 300 ballots. A five-part, color-coded audit log is created for each tray. The appropriate color page is removed from the log and stored at various processing stages for audit and reconciliation purposes.

Ballot envelopes are not opened during the batching process. After batching has been completed, the tray is securely stored to await signature verification.

Signature verification

The city utilizes automatic signature verification for its election. Equipment is leased by and shipped to the city prior to the election. Munster and Lovato met with the contractor's representative who was on site to set up the signature verification equipment.

Munster observed signature verification when the process began on March 22, 2011. Signatures on ballot envelopes are compared by the machine against the voter's signature, which is exported from the statewide voter registration database. If the signatures match, the ballot is kept in the batch and sealed to await counting. If the machine cannot verify that the signatures match, a digital image of the ballot envelope is sent to a team of election workers for review. The election workers then manually compare the signature image on the ballot envelope to the voter's signature stored in the database before processing continues. Munster observed the signature verification process and confirmed that documented procedures were followed.

The signature verification equipment provides reports, including the number of ballots processed, signatures verified, and ballots sent for manual review. Results are noted on the appropriate audit log. Because ballots are received by Clerk Young's office daily through April 5, 2011, the Secretary's observers will inspect these reports during future visits.

The Secretary's observers asked Clerk Young how ballots are handled when signatures cannot be verified. Clerk Young explained that signatures are turned over to the City Attorney and ultimately to the District Attorney for investigation, as required by ordinance.

Ballot counting

Ballot counting is scheduled to begin on Monday, March 28, 2011. As such, observers were not able to witness actual counting during the initial visit. The Secretary's observers did examine the room where counting will occur and election equipment vendor representatives demonstrated how ballots will be counted. Clerk Young showed the observers where a digital security camera has been continuously recording the counting room since March 7, 2011. The Secretary's observers will verify on March 28, 2011, that the camera is working properly.

Drop Off Locations

The City of Colorado Springs provides seven ballot drop off locations throughout the city for its voters. Munster and Heppard visited every drop off location as follows:

Location	Address
City Clerk's Office	30 S. Nevada Ave
Colorado Springs Senior Center	1514 N. Hancock Ave.
Fire Station #8	3737 Airport Rd
Fire Station #17	350 Tutt Blvd
Fire Station #19	2490 Research Parkway
Fire Station #20	6755 Rangewood Dr.
Gold Hill Police Substation	955 W. Moreno Ave.

Three election workers staff each drop off location excluding the Senior Center that maintains two election workers. Ballot boxes were appropriately locked and sealed. The Secretary's observers confirmed that appropriate signage was displayed and that all locations were accessible to voters with disabilities.

Clerk Young sends staff to drop off locations each night to pick up the ballot boxes used that day and to deliver an empty box for the next day. The replacement ballot box is locked and sealed so that seal numbers can be verified.

Summary and Next Steps

Based on observations of the election processes in Colorado Springs, the Secretary's observers believe Clerk Young has met and/or exceeded legal requirements. Observers are satisfied that Clerk staff is properly following the law and documented procedures. Accordingly, the Secretary of State is confident in the processes observed to date.

At the same time, there are more election procedures to inspect, meriting future visits, as follows. If appropriate, the observers will inspect additional processes or conduct additional visits.

Future Planned Reviews:

March 28, 2011

Team members:

Processes to be reviewed:

Wayne Munster, Christi Heppard

Logic and accuracy testing

Ballot counting

Other processes, as deemed appropriate

April 5, 2011

Team members:

Processes to be reviewed:

Wayne Munster, Christi Heppard

Ballot counting

Election day procedures

Other processes, as deemed appropriate