

Andrea Gyger

From: Al Kolwicz <alkolwicz@[REDACTED]>
Sent: Monday, August 01, 2011 7:54 PM
To: Andrea Gyger
Cc: Scott Gessler; coloradovoter@googlegroups.com
Subject: RE: Rulemaking Hearing 8/2/11 -- 8 CCR 1505-1

Dear Ms. Gyger,

Please replace our earlier submission to the august 2nd hearing with the following. I accidentally sent the original without incorporating some significant comments.

Thank you very much. I apologize for any inconvenience to you.

Al

REPLACEMENT SUBMISSION

Dear Ms. Gyger,

2.11.1 This proposed rule appears to be a violation of CRS 1-8-104 (2) "The application for a mail-in ballot shall be personally signed by the applicant; or, in case of the applicant's inability to sign, the elector's mark shall be witnessed by another person."

Also, accepting a stamped signature without a witness opens a new opportunity for voter impersonation. Signatures are easily obtainable from credit card transaction receipts, petitions, and other sources. These signatures can be photocopied, stored in a database, and printed on official documents. Duplicated signatures must not be accepted without a witness because there is no way to know if the duplicated signature was applied by the eligible elector or not. Every ineligible vote counted disenfranchises an eligible voter.

12.1.1 The approved form must allow the ballot style identifier on the actual ballot stub, or if already detached, the actual ballot to be read without exposing any of the votes on the ballot. This is required to verify that the ballot returned in the eligible elector's return envelope is the ballot style that is permitted to be voted by that elector. Otherwise, people could collect blank ballots in trash dumps and use them to vote in districts where they are not eligible.

12.12.1 Voters who appear at a service center or walk-in location should be permitted to cast their ballot as an anonymous ballot. Many voters prefer to not submit their ballot in an envelope that includes their identifying information. The system should permit voters to complete their eligibility tests, be signed into the pollbook, and place their anonymous ballot into the cast ballots box.

25. The term “voter secrecy” is used but is not defined. A definition is required, or there will be no standard against which to measure compliance. My guess is that the term intended is not “voter secrecy” but “cast ballot anonymity”. It is vital that the correct term be used.

25.1.8 Although this section is contained within the military and overseas electors, it appears that all inactive electors are included in the requirement.

25.2 Transmission of unvoted ballots is very different than transmission of voted ballots. Different standards, different rules, different threats. The term “electronic transmission” needs to keep voted ballot regulations separate from voted ballot regulations. Suggest “electronic transmission of unvoted ballots” and “electronic transmission of voted ballots”.

25.2.4(A) The term “voter privacy” is not defined. Again, I believe that the term intended is “ballot anonymity”.

25.3.6 Use of the term “secret ballot” is not defined. I believe that the intended term would be “anonymous ballot” or “anonymous cast ballot”.

25.3.9 This appears to violate the Colorado Constitution Article VII section 8 which clearly requires, “All elections by the people shall be by ballot, and in case paper ballots are required to be used, no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it.”

25.2.10 In order for the canvass board, recount personnel, audit personnel, and possibly courts to inspect the original and duplicated ballots, a detailed procedure needs to be included. This procedure must both protect the anonymity of the voter and provide for verification that votes have been duplicated correctly.

27.4.2 Is it the intent to disregard human intelligence and subjugate it to the known limitations for interpretation of voter intent of voting equipment? While we prefer the “voter intent” standard, the election rules must establish a single enforceable standard, that is verifiable, where the same vote interpreted on various voting equipment and various election processes (such as the “ballot resolution board”) must produce identical results. We interpret the draft rule to mean that by rule, this would not be the case for recounted write-in votes. This of course would violate the one person one vote requirement.

42.11.2 There needs to be a standard for compliance defining “by any other means”.

42.11.1 Does removal of this section mean that people who are not properly registered can now vote in the current election?

Throughout these proposed RULE revisions there has been no attempt to identify the election records that are to be created and maintained, and to clarify which of these election records, if any, are not subject to CORA requests. Considering the problems we have witnessed in the past few years, this omission needs to be corrected.

In addition to these clarifications, the RULE should address the means by which Canvass Boards, Auditors, and others can verify that only eligible electors were permitted to vote, and none denied the opportunity, and that every vote on every eligible ballot was counted as the voter intended, and no ineligible votes were counted, and that every ballot is accounted for.

The rule fails to specify the details for implementation of CRS 1-8.3-110. There must be a specification regarding what is acceptable protocol for the declaration (e.g. submitted to whom, when, where, under what circumstances). This would prevent abuse of this provision. Also it should be clarified that ballots received after 8 days after election day will not be counted. The bill should have said “the ballot shall be considered as having been timely submitted”.

Al Kolwicz, for
Colorado Voter Group

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