

Andrea Gyger

From: Margit Johansson <margitjo@██████████>
Sent: Friday, August 05, 2011 4:06 PM
To: Andrea Gyger
Cc: margitjo@gmail.com
Subject: suggestions for Rules revisions

Dear Andrea,

I have a couple of suggestions for Rules additions.

It was a little difficult to relate Rules to the CRS, since I could not find the CRS 2011 on the Web, and the Capitol library did not, according to Molly Ott, have a copy of the updated statutes either. So I referred to the final copy of HB1219 listed on the web.

1. HB1219, 1-8-113, says: "Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than ten mail-in ballots in any election for mailing or delivery to the designated election official."

I have not noticed a Rule that made the second part of that law enforceable. During the November, 2010 election, I went to Denver to see what the process was for collecting those ballots delivered by what I call "third parties"; I visited a few voting locations. I was told that anyone with eleven or more ballots to deliver must sign in and the delivered ballots recorded in some way. (I made notes on this at the time, but can't put my hands on them to be more precise.)

I asked officials collecting the third party deliveries of ten ballots or less whether a third party could deliver ten ballots, leave, and come back with ten more ballots. A person collecting ballots from the drive-up location for the central downtown Denver polling place said that it was fine for the same people to make multiple deliveries of ten ballots.

It would obviously slow things down to make someone dropping off multiple ballots by car record their names and addresses and the names and addresses of the people whose ballots were being dropped off. But, what are we striving for? Only convenience?

As things exist now, this unenforced statute invites fraud. It is one thing to have party workers offering to give people rides to the polls; it is another thing altogether to have third parties handling others' ballots. (Perhaps the urban equivalent of rides to the polls would be free bus passes on Election Day.) With such a law, creation of votes using names of people who have not voted, or vote-buying, are easy for people with the knowledge and means to accomplish this.

Other states have laws allowing third-party delivery, sometimes called "vote harvesting" or other terms. I believe Texas has such law, and I've heard Oregon does also.

Other states don't allow it, and these states seem to be operating on a principal of not inviting trouble. A fellow election activist from Pennsylvania told me that her state only allows someone to deliver one extra ballot; I can't remember whether that had to be from a relative. My friend had a very hard time convincing an election official to allow her to deliver a second ballot for a neighbor who had a hard time getting around, as well as my friend's mother, who is in a wheelchair.

1. (This number is supposed to be 2, but I can't change the 1!!) My second suggestion for a Rule addition concerns HB1219, 1-8.3-113(1): "A COVERED VOTER WHO REQUESTED AND RECEIVED BALLOT MATERIALS BY ELECTRONIC TRANSMISSION MAY ALSO RETURN THE BALLOT BY ELECTRONIC TRANSMISSION IN CIRCUMSTANCES WHERE ANOTHER MORE SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT AVAILABLE OR FEASIBLE, AS SPECIFIED IN RULES PROMULGATED BY THE SECRETARY OF STATE."

Re the special circumstances:

Electronic return of marked ballots is not supposed to be for casual reasons, like a voter forgetting to send his/her ballot in until the last minute.

When Paul Weissman put in that exception originally, the MOVE Act hadn't been passed yet, and there was less momentum to give extra time to vote, and to stress use of Internet for registration and requesting of ballots. The return of voted ballots electronically is being ruled out. Why? Because there is NO WAY Internet voting can be made secure from hacking. Who says so? The scientists. The good ones.

Thus, I suggest that there might be some instructions from officials which could accompany blank ballots, etc, that could properly warn voters what the consequences of use of the Internet for voting could be:

that your vote is hackable when sent electronically.

that this jeopardizes the accuracy of election results

When Sen. Linda Newell was testifying on HB1219 before the Senate State...Affairs Committee, I suggested to her that this warning go into statute, and wrote a version of it out for her on the spot. The committee voted to go along with this, though they hadn't seen exactly what "this" was. But I believe she got some confused input from the SOS's office that this was already covered by the requirement that a voter sign away his/her right to a secret ballot. A secret ballot is not the same as a secure ballot. 1-8.3-113(1) is talking about ballot (and election) security, not ballot secrecy.

Well, it is getting close to the deadline to get this in.

I hope I haven't missed seeing Rules that already cover everything I have been talking about!

If you need citations on Internet vulnerability, I will be happy to send them. One basic one is at: www.servesecurityreport.org, but there are others.

Thanks for the opportunity to provide input on the Rules.

Sincerely,
Margit Johansson
Coloradans for Voting Integrity (CFVI)