Mesa County comments on proposed Rules – August 5, 2013

Proposed Rule 2.5.4, page 10 "WHEN THE COUNTY CLERK AND RECORDER PROVIDES A LIST OF ACTIVE ELECTORS TO A MUNICIPAL OR SPECIAL DISTRICT FOR AN ELECTION NOT COORDINATED WITH THE COUNTY, THE COUNTY CLERK AND RECORDER MUST REQUEST THE DESIGNATED ELECTION OFFICIAL OF THE MUNICIPALITY OR SPECIAL DISTRICT PROVIDE THE VOTE HISTORY INFORMATION FOLLOWING THE ELECTION. WITHIN TEN DAYS AFTER RECEIVING THE INFORMATION, THE COUNTY CLERK MUST ACTIVATE VOTER RECORDS AND REMOVE ID REQUIRED FLAGS IN SCORE AS PROVIDED IN SECTION 1-2-605(4)(B), C.R.S."

Under the current SCORE system, the researching, scanning, attaching documentation to the voter's record for proof of the change, and finally updating the voter's activity status would be a 'one record at a time' process. For larger Special Districts and Municipalities or in the event of multiple districts supplying vote history to the County at the same time, a 10 day window could be unfeasible. Without mandating a set process, detailing the collection of vote history information throughout the election, Special Districts and Municipalities may use a hand written, check list, or utilize fields only pertinent to their voting process, which may make it difficult to match the appropriate voter in SCORE to the provided Vote History.

Mesa County suggests that the ten day window be stricken from the rule, allowing County Clerks the discretion of processing the vote history information in a timely manner but within the resource constraints of their office.

Mesa County suggests the rule should mandate the development of a SCORE import feature with automated activation and removal of ID flag.

Mesa County suggests a legislative addition to C.R.S. Titles 31 and 32, requiring Special Districts and Municipalities to adhere to the process outlined in rule, and that the rule, itself would require that the vote history information will be an importable data file, with specific fields to ensure minimum matching criteria.

Proposed Rule 8.12 page 53 – "To assist Watchers in performing their tasks ~~when a vote center election is held~~ AT A VOTER SERVICE AND POLLING CENTER, ~~the designated election official shall~~ COUNTY CLERK MUST provide a list of all voters who have VOTED IN THE LOCATION ~~appeared in the vote centers to vote~~…"

The proposed change to the rule strikes the language "appeared in the vote centers to vote" and replaces it with "voted in the location." This aggregates the 'voters who have voted' list to a smaller subset (From all vote centers by day to one vote center by day) which may result in revealing how some voters have voted, particularly when turnout is low.

One plausible scenario is during a Primary Election, two voters vote in one location for an entire day: one voted a Republican ballot, the other voter voted a Democrat ballot. With ballots open for public inspection through CORA, an anonymity violation would result if we released the aggregated Who Voted data and then released ballot images from that location on a DRE that showed location and style of ballot voted.

Mesa County suggests the language read "locationS", rather than location to protect voter anonymity.

Proposed Rule 17.1.2 page 113 – "IF A VOTER SERVICE AND POLLING CENTER LOSES CONNECTIVITY TO SCORE, THE JUDGES MUST ISSUE PROVISIONAL BALLOTS UNTIL THE COUNTY RESTROES CONNECTIVITY."

Mesa County suggests that as an alternative to the Voter Service and Polling Center going directly to issuing provisional ballots, a 3rd party poll book could be used as a contingency plan.