



Office of the Clerk & Recorder  
Wellington E. Webb Municipal Building  
201 West Colfax Ave., Dept. 101  
Denver, CO 80202

Denver Clerk & Recorder's Office/Public Forum Meeting  
Wellington E. Webb Building, 4<sup>th</sup> floor  
201 West Colfax Avenue, Room 4F2  
Tuesday, July 24, 2007  
5:30 p.m.

ATTENDEES: Stephanie O'Malley, Clerk & Recorder  
Matt Crane, Operations Supervisor/Elections Division  
Sindee Wagner, Interim Public Trustee/Clerk & Recorder's Office  
Victoria Ortega, Assistant City Attorney  
Heather Riti, Budget Management Office  
Ronne Kuhn, Citizen  
Hanna B. Weston, Citizen  
Bethany Gravell, CRL Associates  
Barbara Blum-Barnett, Citizen  
Carol Tone, League of Women Voters  
Faith Gross, The Legal Center  
Meg Costello, Common Cause  
Dan Willis, Denver Democrats  
Sara Harmer, City & County of Denver  
Margaret Atencio, Citizen  
Alton Dillard, Elections Division Staff

I. CALL TO ORDER – Stephanie O'Malley, Clerk & Recorder, with oversight of the newly formed Elections Division, calls the meeting to order at 5:30 p.m. stating that the Public Forum is designed to provide opportunity for members of the public to have input on matters that affect the public trustee, recording section, city clerk, and records division as well as, matters of elections. She goes on to say that it is the desire of this office to support transparency in the Office of the Clerk & Recorder and thanks everyone for their presence. O'Malley's hope is that anything regarding an agenda item for meetings held the 4th Tuesday of every month at 5:30 p.m. may be emailed to O'Malley or Alton Dillard. O'Malley goes on to explain that in the near future, the Outreach Coordinator will serve as an entity of the Clerk & Recorder's Office.

Following the agenda that was prepared:

- A. Approval of Minutes of June 26, 2007 - O'Malley states that she has reviewed the minutes of the last meeting and that there are no glaring omissions. She accepts the minutes and will ask the previous Commissioners Rogers and Adams, to sign

the minutes. O'Malley opens up the discussion for questions in reference to the minutes of Tuesday, June 26, 2007. None posed.

- B. Elections Division Revenue Report - Matt Crane reports revenue of \$175 for voter reports and maps and, reports revenue of \$222,590.21 year-to-date.

O'Malley states that she is in the midst of building the 2008 agency budget including, the Elections Division and other divisions in the Clerk & Recorder's Office. She goes on to say that this poses a monumental task and that she is very sensitive to what the Elections Division will be asking for when requesting funds, due to HAVA equipment, things relative to HAVA, state legislation as well as local concerns. and, adds that we will be having serious dialogue with the administration relative to the budget in the Clerk & Recorder's Office and also with the Finance Office.

## II. OLD BUSINESS

- A. Transition of Elections Commission Staff to Career Service Authority - O'Malley reports that she completed the process of interview for the new positions of Supervisor of Logistics, Supervisor of the Warehouse and Supervisor of Operations. She has selected Matt Crane as Operations Supervisor, Amber McReynolds as Supervisor of Logistics and Paul Casper as Supervisor of Warehouse Operations. O'Malley needs to assess their current positions, in order to give consideration in providing direction to those silos previously named, in order to provide staff that will assist in executing those responsibilities.

Regarding the Director of Elections search; the first rounds of interviews have been conducted. O'Malley established an interview panel with a representative from the Mayor's Office, the City Attorney's Office, and Technology Services. In addition a module was established where folks that have interests in election matters had input including, Common Cause, League of Women Voters, America Votes, Ed Neuberg of the Commission for People with Disabilities, Faith Gross of the Legal Center, and representatives of the Democratic Party and the Republican Party. The candidates moved from room to room for 1.5 hours. The Board set out to eliminate 2 of the candidates and 5 others made it to a necessary second round of interviews. Three of the candidates are from the Greater Denver Metro Area, one from Utah and one from Nebraska. Two candidates that were initially identified withdrew due to conflicts with their schedules. Second interviews will be conducted on Wednesday the 25<sup>th</sup> from 10 a.m. to noon. It is O'Malley's hope to have the process completed by week's end and states that she will ultimately make the decision. She goes on to say that the Deputy Director is a CSA position and that she is holding those applications so that the Elections Director has input to the Deputy Director position. O'Malley asks for questions. Jenny Flanagan raises question regarding the budget and the issues/challenges to the new positions. O'Malley responds that we identified through the 2007 budget that what exists right now is to bring on supervisors through the end of the 2007 cycle; cost savings relative to the absence of 2 commissioners created savings and, also the fact that we are engaging in a mail ballot election as opposed to Vote Centers; there is significant difference in the costs thus, some dollars to get us

through 2007. O'Malley states that she will be vigorously advocating for these positions in the 2008 cycle and, believes that there will be support from the administration relative to the absence of these individuals. Jessie Daniels, America Votes, asks if the Deputy Director position was posted. O'Malley responds that it's been posted and closed and that it's not an appointed position. O'Malley states that as an elected official she was allowed the appointment of Director of Elections and Deputy Director of the Clerk & Recorder's office. The Deputy Director was necessary and created and had to go through the CSA process.

### III. NEW BUSINESS

#### A. Ballot content for November 6, 2007 Coordinated Election

Matt Crane reports that there are 3 School District races—District 1, District 5 and At-Large; issues deemed sufficient include an Initiated Ordinance Petition for SAFER and, City Council can enact the ordinance within 35 days or they can refer it to the ballot. There will be 8 bond questions that may be referred to the ballot. Wednesday, August 8, is the first day for circulation of petitions by the candidates and these must be submitted to the Elections Division by Friday, August 31 (67 days before the election). Fifty signatures are required on the candidate petitions from the district. There are no statewide questions on the ballot. Monday August 6, 2007, is the last day for placement of initiatives. Ronee Kuhn raised question about the abortion issue as a state issue where 76,000 signatures have to be collected. It is the understanding of the Elections Division that the parties are attempting to get this issue on next year's ballot. Crane states that for bond issues the date to certify the ballot is around the first week of September. Jenny Flanagan asks whether the outreach plan and education is part of the planning process for the Mail Ballot Plan. O'Malley explains that part of her reasoning for bringing on an outreach person is to pay attention to matters so that voters are educated as to the model of election, given that there are different types of elections dependent on cycle and federal legislation and, with all of the moving targets that are relative to statute and rules, that person needs to be at the helm. And, also to the extent that dollars will allow for informing of the public relative to the type of election, drop-off sites, early voting, where located, numbers of drop-off sites and all those questions that present themselves. The Outreach Supervisor position will be made early next week, after interviews on Friday.

B. Status of Foreclosure Backlog - Clerk & Recorder O'Malley introduced Miss Sindee Wagner, serving as Interim Public Trustee, who is serving as interim Public Trustee and is doing a yeoman's job. Sindee says we have made progress. Back in January, we had 835 files in backlog process of not being completed and we started the initiative with 10 on call employees to work on the backlog and stop the bleeding, in addition to keeping up with new foreclosures and, keeping up with statutes, as of last Friday those 835 files are done, have gone to sale, been closed or been withdrawn. Essentially everything is at the stage that as far as we're concerned, if they are still valid

and active, they have sale dates, or they have been returned to the attorneys or people who have redeemed and cured. We then took the 10 on calls and incorporated them into the regular staff so that they know all pieces of the process, so that we don't ever get backlogged again. She goes on to say that with all the people they now have they should be able to maintain where they are right now. Sindee states however, that when you receive 40 files a day there is a possibility that you can get behind but, that their hope is that they will never fall behind in statutes again

O'Malley states that the Public Trustee is working with the Office of Economic Development (OED), to specifically address foreclosure issues. The request is for database information in the public trustee's office to determine where the foreclosures are occurring, specific addresses and the type of products that are lending themselves to these foreclosures and, to work with GIS to work around the mapping issues. So we will make ourselves available to OED and work with the Mayor's Taskforce, who has already issued their report and the processes they engage in and, the moves and needs that came out of the taskforce that we continue to pay attention to.

#### IV. Announcements and Comments by Clerk and Recorder, Guests, and Staff

Alton Dillard, ED Staff, says that for the all mail ballot for 2007 electors should lookout for the Official Election Mail logo. This will indicate the elector's ballot, ballot information pieces and permanent mail ballot. He displayed the logo and states that this is the United States Postal Service official logo for priority handling of elections mail. A press conference was held prior to the June Runoff Election and the May Municipal Election and, this is what folks need to keep an eye out for.

Matt Crane reports that relative to the last 2 commission meetings and questions re reprecincting; precincts can only have a ceiling of 1500 active, registered voters. There are 2 precincts where work is needed, Precinct 722, Stapleton, where there are 3,344 active voters, definitely over threshold and Precinct 518, Lodo, is just under that threshold with 1480 voters; so we will look at adding some new precincts and hopefully by next month's meeting we will be able to pass information forward. Crane states that we're at 420, and now in 722, his guess is a 3 way split and, probably somewhere in the neighborhood of 425. Jessie Daniels asks if there are still more registered voters reactivating themselves considering the lower turnouts in 2006 and 2007. Matt Crane says that 2 others have been looked at, Green Valley Ranch and the Golden Triangle, and that these are the next two as they have 830 active, registered voters, indicating that there is still an option to grow.

Crane indicates that also in discussion is the RFP for groups to come in and do an operational analysis this has been narrowed to 2 different vendors looking at streamlining the scope of work to ensure maximum benefit from analysis and, hopefully this will occur in August. He goes on to say that the petition packet has been completed but it is

being sent to the School Board for their approval and it should be on website by end of week. Also, the initiated charter amendment packet should be online by tomorrow.

Jenny Flanagan asks for framing of the original charge and to speak about the scope of the operational analysis. O'Malley states that out of the Mayor's Taskforce there is expectation of an audit for the DEC and the top suggestion was to identify an RFP, in order to support an audit of election matters. Budget considerations and restraints with a huge wish list were put up against probable dollars in the 2007 cycle and says that we had to step back and really look at priorities, any repetitive actions and how to define the scope of work. Originally from the vendor, there were a total of 5 silos where they could provide an array of services and that has been whittled down. One area was a review of our organizational structure and we didn't believe that was necessary because we just went through that internally.

Dan Willis, Secretary of the Democratic Party, asks if the Elections Division is going to do a mailing regarding the new law allowing permanent mail ballot requests, because November is a mail ballot election. Crane states that we will not be doing this in 2007, but in 2008 we will be addressing this.

O'Malley explains that there are some rumblings about naming of the permanent mail in ballot and that the federal government is pushing back on this. She goes on to say that before we expend resources, we want to ensure that we are using the proper terminology and not creating confusion; until we know some definitive answers we are waiting to see what the answers to those unanswered questions are. Dan Willis says we have to step away from the word "absentee" as this suggests someone being absent from their residence and this will prove helpful to the public.

Willis goes on to ask what is being done to resolve the technological issues and how the process is coming. O'Malley explains that this is predicated upon the 2008 Election and what that will look like, understanding that this will require some type of e-pollbook. If it is not a Vote Center model that type of technology goes away. We have taken a step back and looked at technology to support the different types of models. For technology to take on that type of service that person has to be based in technology services with a liaison to deal as a business liaison to the technology services department. We are needing someone astute to take on the technology matters and, for one thing to happen versus not, is going to depend on the type of election.

Jessie Danielson says that State Statute says the correct verbiage is mail in ballot, that the voter registration form has a check-off box stating vote by mail permanently and, that this is posted on the SOS website. Jessie goes on to say that you are working with the monumental task of the 2008 budget and asks when this will be presented to the public. O'Malley requests that Heather Riti, Budget Analyst of Budget Management respond relative to timeline. Riti explains that the Mayor releases his first budget on September 15 and the first version will be out for the Clerk & Recorder's Office. Time wise, Jenny Flanagan comments that this makes sense in terms of first version

for City Council and public input. Riti goes on to explain that the agencies have already worked with the budget office and made their recommendations to the first cycle in September for Council. The public goes to council hearings and outcomes are issued on October 15<sup>th</sup>. Then the final version with negotiations is released in January.

On our website, the voter registration and mail in ballot form is posted per Crane.

Dan's question, referenced by Barbara Blum-Barnett, says that what she has heard is that the only technology professional would be at the City and the liaison at the Clerk and Recorder's office and, she asks how this integrates with the Office of the Clerk & Recorder. She goes on to say that the push for accountability, per the charter, seemed to maintain more accountability relative to technology. O'Malley responds that technology services wants to be a collaborative partner with the Clerk & Recorder's Office and that this is why we have stepped back to have discussion and to look at what tech support services can provide during the elections cycle and services that we would have to go outside to augment, with a 3<sup>rd</sup> party vendor; what technology services can't provide us. The staff member who had the responsibility in that position is gone, the position has remained open and, we need to determine where those considerations would be best served in being able to have the back and forth and, to be beholding to election matters. Collectively, it is better served and, we determined, it is better to have that person with technology services; with a pipeline back to the Clerk's Office. O'Malley goes on to say that understanding what the goal is, she will have some input to that person's role and she doesn't have any reason to believe that, no matter where that person is housed, there will be accountability; technology services will help us hold accountable the person in that position; that the person will be housed and budgeted out of technology services. Blum-Barnett said that as we watched the mayor taking the heat, it wasn't the mayor's responsibility and he seemed to want to fix it, but we knew that it didn't fall in his domain and asks that if a problem happens again, where the buck will stop. O'Malley responds that every employee is subject to CSA rules around performance evaluation plans and annual reviews and, that she is comforted that the accountability is going to be had for the person; it is going to rest on the Clerk & Recorder's Office or the Mayor's Office and she believes it's incumbent upon both. O'Malley goes on to say that the right person has to be elected for the job, in order to avoid the pitfalls that occurred last November.

Dan Willis brings up the suggestion about an Advisory Board and O'Malley clarifies that this is centering around the selection of the Elections Director. O'Malley says she is not adverse to having representatives of the parties and other individuals represented on an Advisory Board, but explains that this will have to happen after the transition process. Dan states that he hopes it is done before the 2008 Election.

V. Motion for Adjournment and/or Executive Session – Clerk & Recorder  
O'Malley adjourned the meeting at 6:15 p.m.

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Stephanie Y. O'Malley, Clerk & Recorder

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Attest

Date