



DENVER
THE MILE HIGH CITY

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, 4th floor
201 West Colfax Avenue
Tuesday, November 27, 2007
5:30 p.m.

ATTENDEES:

Stephanie O'Malley, Clerk & Recorder
Michael Scarpello, Director of Elections
Carol Tone, League of Women Voters
Faith Gross, The Legal Center
Marcia Verba, League of Women Voters
Walt Beckert, AFSCME
Amber McReynolds, Operations Manger/Elections
Alton Dillard, Clerk & Recorder Communications
Tina Romero, Clerk & Recorder Communications

I. Call to Order - Clerk & Recorder O'Malley opens with a welcome to the public stating that this session will continue to be televised as long as Channel 8 is willing to do so, in order to keep the public apprised of the Office of the Clerk & Recorder and to provide opportunity for public input.

- A. Minutes of Tuesday, October 23, 2007 approved as written by Clerk & Recorder O'Malley.
- B. Elections Division Revenue Report - Michael reports detail and total revenue of \$957.50 for month of October, 2007.
- C. Clerk, Public Trustee, Recording Reports – Clerk & Recorder O'Malley announces on behalf of her office as Clerk & Recorder/Public Trustee, that beginning January, 2008, processes are being implemented in accordance with statutory requirements passed at last legislative session; entire Clerk & Recorder staff attended a training to acquaint with processes that will be required as a part of the statute; changes will be onerous on the part of the trustee; important that we continue to respond to changes, how we're staffed to respond and have scheduled 5 additional training sessions with varying law firms that we work with, in order to serve their clients in an expedient way and for us to respond to the public on their foreclosure actions. O'Malley states that we're going to try to get in front of it so that we're not backlogged under statutory requirements. O'Malley goes on to say that her office began to keep reports and to keep data on daily activity as related to office productivity; supervisors and managers were asked to keep daily dashboard activity related to processing of documents and records so as to determine real-time processing on a daily basis; reports from recording division being done, in order to increase accountability and, it has been a wonderful tool to encourage staff members to

perform and to respond to the public; office is up-to-date in recording session and sometimes, depending on cycles in the month, they have been 11 days behind. O'Malley concludes that for the Clerk & Recorder to say that her office is up to date is important news to share with the public and, also with foreclosures, and in the records division, how timely we respond demonstrates that there has been an increase in efficiencies in the office.

II & III. Old Business/New Business

- A. Certification of Results of Nov. 6, 2007 Coordinated & Regular Biennial School Election - Michael Scarpello announces that results were certified by the Canvass Board on November 21 indicating that there were no errors or problems with the election and that results are available on the website.
- B. Review of 2007 Election Processes - 2007 elections process was very successful; mail ballots were sent to 209,600 active, registered voters; 44.7% or 93,600 votes were cast; this represented a 20% increase over 73,292 voters who voted in November, 2005; represents 16% over 80,000 voters who voted last May; election was fair, efficient and transparent. Some improvements experienced, compared to the last election with the commission, included, improved ballot design; no printing design errors; election was programmed properly and there were no postal errors; there were no complaints of voters not receiving ballots; no ballot processing problems; no problems at 15 dropoff sites where 42,740 voters dropped off ballots; 80% increase from 23,000 voters who dropped off last May; and no problems with machines.

There were some perceived problems with results not posted at times promised; everything was posted to city server but it went down that day; the good news is that we had a backup plan and we were able to get results to the news agencies within 5 minutes of the server going down; we still don't know what happened; another complaint was that final election results were not tabulated on election night and that other counties counted better. Scarpello believes that criticism of the police assisting and complaints were unfair to some extent; unfair in that the mail ballot election requires a high degree of processing and some of the newspapers did a very nice job of laying out that process as mandated by state law. These processes have been made more efficient and we increased the numbers of workers to full capacity, facilities were full and we had nowhere to place anyone else. Space was not a practical option in the timeframe that we had. One hundred forty-six workers processed 94,000 ballots; it was an apples to oranges comparison versus other counties with less workers; we had more than double the paper; we only had 90 people processing ballots and others were staffing pickup of ballots; not a fair comparison in that matter; we worked pretty efficiently. Scarpello goes on to say that police were a natural fit and they have Colorado Bureau of Investigation required background checks. Twenty officers worked 1 hour of overtime at a total cost of \$1200 to the city. They processed 8,000 ballots in the 6 hours that they worked.

Scarpello reports that we need to do a better job of setting expectations of media and public. We should have alerted the public that the count was going to go on all night. We needed more workers. We are down 7 permanent staff on the Clerk & Recorder and Elections Division and, we are working with Career Service Authority to get these filled; need to increase pool of workers; plan for 2008 is to recruit from universities, corporations and city employees to

develop a temporary worker pool. Scarpello states that we also need to do better job of forecasting turnout and need to acquire better facilities which he has been working on since August of 2007. Scarpello concludes that there were a lot of positives; judges worked long and hard; police assisted when we needed them; many of our workers worked 40 straight hours and I would like to thank all those people. Clerk & Recorder O'Malley adds that one of the unintended consequences is the need for us to recruit temporary workers through the Career Service Authority system whereas, before, the Commission was independent and could direct hire. O'Malley has shared this concern with City Council for ordinance change which would alleviate the need for funneling through Career Service Authority. She is also dialoging with Career Service to get this fixed fast. She wants to share these discussions around obtaining temp workers with the public.

C. Update on Action to be taken on 2008 Elections Model Advisory Committee - Recommendation for 2008 Primary & General Elections - 2008 Elections Advisory Model Committee; O'Malley states that she and Michael made a commitment and they are going to provide this decision late December or early January; the scenario is that the election be by paper with a combined polling place election and electronic machines to be compliant with HAVA. O'Malley explains that a mail ballot election is different than a paper ballot election; process is different; there are a whole host of steps necessary and wants to juxtapose against a paper ballot election; the ballot is actually cast at the polling place and is brought back to an election judge for central count or in the precinct. It does take more time to tabulate the vote and it's a matter of technology versus human hands. In our effort to educate the public, we must do our job in disseminating the information and we need to share, as experienced in the last election, that it's going to take more time.

O'Malley goes on to explain that we're online for the statewide voter registration database and the SOS is scheduling that training for Denver and other counties; lots of concerns about whether database is going to be up and running for the 2008 cycle; clerks have been in dialogue with the SOS Office and sharing concerns about the status of the project; many media accounts about where the SOS is in the process; anxiously awaiting to see if the product works for all 64 counties and Denver; we are also waiting certification of electronic voting equipment; the SOS intends to make decision around December 11, so Denver is waiting to see if the equipment from Sequoia will be certified. It will play into a definitive decision for Denver.

IV. Announcements and comments by Clerk & Recorder, Staff, and Guests - Walt Beckert, employee of Safe City and member of the Model Elections Advisory, states that we talked about scanners and looking at what we anticipate; it takes simple math and are we online to buy enough scanners to be able to process and are we going to have enough space with enough people to help. Scarpello explains that reasonable time to him represents something different; it's not going to be 10 p.m. because, the ballots will be centrally counted. It's not just a 2 hour process. It will continue and may continue 4, 5, or 6 hours. We will close out at 7 p.m., pick up the ballots and have them counted. We will continue counting throughout the day. O'Malley explains that dollars have been allocated for 2 additional optical scanners and there may be even more need; there are no leasing opportunities from the vendor. She goes on to say that there has been suggestion of an all Mail Ballot for the 2008 Election at the State Joint Budget Committee's meeting with the Clerks and, Denver's stated position is to be responsive to the lack of time related to Score and certification of the electronic equipment. She goes

on to say that many Clerks support legislation to provide an opportunity to have an all Mail Ballot Election for the Presidential Election. O'Malley doesn't believe that we should be mandated as a State to do this. There has been a survey and some Clerks did not respond and, it was felt this should be permissive and not mandatory. The Secretary of State is going to begin to have dialogue with the Clerks' Legislative Committee and he is going to convene a taskforce, to come up with scenarios, if the machines aren't certified.

Faith Gross, the Legal Center, asks on behalf of Jenny Flanagan, Common Cause, what the backup plans are if the voter registration database doesn't work. Scarpello explains that the Integrity System purchased from Sequoia is very good and that phase-out was determined by Sequoia for end of December 2007. Scarpello states that we always have a contingency plan; Sequoia is willing to extend the contract through 2008 on a quarterly basis and Sequoia didn't want to do this. This was not a simple negotiation per O'Malley because they were adamant about phase-out. Sequoia realizes our backs are up against the wall and they wanted to walk from use and support of the system; we want to use it to the extent that we use it now; we have to be comfortable that the new system will work. Faith Gross asks how the relationship with Sequoia is and, given the recent history with the EAC and Sequoia regarding certification, asks if we are still wedded to Sequoia. Scarpello says that they have been cooperative; that we enjoy working with them and when we make a decision in 2008, options will be open to all vendors. O'Malley states that all the vendors are just at the whim of the SOS and their attention has been with the certification process; as we dialogue regarding database and other contractual agreements our conversation is on hold until we get definitive answers from the SOS. Scarpello comments that the e-pollbook didn't work; we paid \$35,000 of the original \$85,000 software and we didn't pay \$50,000 and now have received credit for the \$35,000.

Gross recommends issuing a press release regarding nonpayment as favorable public information.

Gross wants to know about progress related to surveying combined precincts. Scarpello responds that we are surveying 292 sites to determine compliance and, we are starting search now to look for new sites; we are going to look for nontraditional sites and any help that anyone can provide would be helpful. Gross asks if other stakeholders and members of the advisory group are involved. O'Malley said they are waiting for a definitive response to the model and, that we will be aggressive in seeking assistance, as noted by Gross in the Model Elections Advisory, that stakeholders need to help with HAVA compliant sites, particularly for large counties. Gross is taking the stance that you need lots of people and, is advocating hard, including with the SOS, to look for permanent solutions, particularly if a school can be made permanently accessible in the long-term. This would be the preferred solution instead of having an army of people to assist with accessibility issues and, it would be great support from the SOS if they would support this.

Carol Tone, League of Women Voters, mentions that when the stakeholder group was working with sites in supporting a complicated IT, now there will be no need for T1 lines because, we won't have an e-pollbook. O'Malley responds that we won't have an e-pollbook and that we want to keep a user-friendly election and keep the voter in mind; the problems we experienced had nothing to do with the Elections Division and it caused considerable criticism; in order for voters to cast their ballot, technology complicated the equation of the voter being able to vote and this needs to be at the forefront; the less we have to expend on technology, the better. Tone states that she agrees with the expense and the accommodation being difficult. O'Malley reiterates that she wants the attention to conducting a smooth election where people will be happy.

V. Motion for Adjournment and/or Executive Session – Meeting adjourned at 6:10 p.m. by Clerk & Recorder O’Malley.

Stephanie Y. O’Malley, Clerk & Recorder

Attest

Date