

**Denver Election Commission
200 W. 14th Avenue Suite 100
April 15, 2003
4:00 P.M.**

Present: Sherry L. Jackson, Commissioner
Mark Messenbaugh, Commissioner
Jan Tyler, Commissioner
Susan Rogers, Citizen
Linda Young, Citizen
Rose Keating, Citizen
William E. Britt, Citizen
Bev Bridges, League of Women Voters
Frank Sullivan, Denver Democrats
Brittany Morris, CRL Associates
Maria Garcia, NALEO (National Association of Latino Elected and Appointed Officials) Educational Fund
Karon Majeel Hatchett, Executive Director
Alan McBeth, Staff
Evelyn Rojo, Staff
Natasha Davis, Staff

I. Approval of minutes

Commissioner Jackson called the meeting to order at 4:00 p.m.

A. Commission Meeting, March 18, 2003

The minutes were not approved. All three Commissioners noted that the transcription of the March 18, 2003 meeting contains some errors. Commissioner Tyler moved that the Commissioners make corrections in the draft minutes submitted and forward these to Mr. McBeth, who will incorporate them into a new draft. This draft will be submitted for approval at the next regular meeting of the Commission. The motion was seconded by Commissioner Messenbaugh and passed unanimously.

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B. Commission Meeting, April 4, 2003

Commissioner Tyler moved that the minutes of the April 4, 2003 meeting be approved. Commissioner Messenbaugh seconded the motion, which passed unanimously.

II. Old Business

A. Update on Purge of Inactive Voters

Karon Hatchett reported that the purge was completed on March 12, 2003. She indicated that 22,058 names were purged from the Voter Registration database.

B. Update on Absentee Ballots

Karon Hatchett reported that approximately 48,000 Absentee Ballot applications have been received. Mailing of ballots began prior to April 7, 2003. To date, 7,266 ballots have been returned, 41,182 ballots have not been returned, six persons who requested Absentee Ballots are now deceased, and 178 Absentee ballots were returned as "undeliverable."

Regarding "undeliverable" ballots, Commissioner Messenbaugh asked if lack of an apartment number was the problem. Ms. Hatchett responded that she did not know, but would find out. Commissioner Jackson asked if such mail can be forwarded. Ms. Hatchett responded in the negative, indicating that voters whose Absentee Ballots are returned as "undeliverable" are placed in "inactive" status. Commissioner Tyler interjected that the NVRA specifies an extensive set of rules that govern whose name can be removed from a voter registration database, and what such "removal" requires. Tyler noted that the Commission follows the mandates of the law (NVRA) scrupulously, and that the reported number of "undeliverables" is low, compared to previous years' purges.

C. Update on Deputy Director Position

Karon Hatchett indicated that she and Debbie Gokey have met with the city's budget personnel and that Lynn Wolfe is surveying employees for a report to Career Service Authority. Ms. Hatchett indicated that the Budget Office has informed her that there are no funds available for new staff. Hence, there will be no "Deputy Director" position created at this time.

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II. New Business

A. Election Judges

Karon Hatchett indicated that the first training session for Election Judges will be on Saturday, April 19, 2003, with additional classes on April 24th and 26th. Ms. Hatchett indicated that the Commission is not at

100% of its goal of Judges to be assigned, but is approximately 75 Judges short of that number. Ms. Hatchett indicated that she will assist Patricia Nelson in securing additional Election Judges. Commissioner Jackson asked about the status of bilingual Election Judges. Ms. Hatchett responded that the Commission is in fairly good shape on this score, but lacks one bilingual Judge for Early Voting. She assured the Commissioners that, with the help of Evelyn Rojo (new "Spanish Language Coordinator") the Commission will recruit the bilingual Judges it needs. Ms. Hatchett then introduced Evelyn Rojo to the Commissioners.

Evelyn Rojo introduced Maria Garcia, a representative of the NALEO (National Association of Latino Elected and Appointed Officials) Educational Fund. Ms. Garcia noted that NALEO is a national governmental program the aim of which is to get Latino citizens out to vote. This national organization is supporting an ongoing effort in Denver, in connection with UNIVISION TV Channel 50 and other partners. Ms. Garcia noted that only a small percentage of registered Latino voters in Denver get out to vote, and mentioned that NALEO is holding a press conference on April 16, 2003 at 1:00 p.m. on the steps of the City and County Building. Ms. Garcia invited the Commissioners and other meeting attendees to come to the press conference.

Commissioner Tyler asked Ms. Garcia if she would take bilingual Election Judge applications to the event. Ms. Garcia said that she would. Commissioner Tyler also asked Evelyn Rojo to meet with business owners and others to help the Commission find additional bilingual Judges. Tyler indicated that the Commission must place a sufficient number of bilingual Judges; that it is not an option to fail to do this. Ms. Rojo indicated that she has contacted Latino media to enhance bilingual Judge recruitment. Commissioner Tyler mentioned that the Commission regularly has a large number of assigned Judges who fail to go to work on Election Day, and that 75 additional Judges are needed. She noted that other jurisdictions have solved the "Election Judge" problem. Commissioner Jackson asked how that has been accomplished.

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Tyler indicated that other jurisdictions work on securing Election Judges during the times between elections. She indicated that even small jurisdictions have discovered ways to find enough Judges. Karon Hatchett indicated that she has spoken to Patricia Nelson, and has told Ms. Nelson that the Commission can no longer wait until just before an election to recruit Election Judges. Hatchett indicated that she plans to make Election Judge recruitment a long-term project, with an intensified search for Judges during the entire year.

Ms. Rojo indicated that the Commission will have a booth at the city's Cinco de Mayo event, and will distribute Election Judge applications. Commissioner Tyler noted that the Commission will have to determine how best to do Judge training in the days immediately preceding the election (for Judges recruited after the regularly scheduled training classes are complete). Tyler insisted that Judges not go to the polls untrained.

Commissioner Messenbaugh asked if the Judges working at the May election will also work at the June election. Ms. Hatchett responded that some Judges will work both elections and some will not, though the Commission asks for a commitment to both. Commissioner Tyler requested that an ad be placed in the Sunday paper to recruit more Judges. Tyler also asked if Ms. Hatchett has secured the "troubleshooters" Tyler has requested. Ms. Hatchett responded that this issue has budgetary implications and should be discussed in Executive Session.

Commissioner Tyler asked that the topic be discussed publicly, for the record. She indicated her belief that the Commission needs to secure such assistance for Election Day. Commissioner Jackson expressed the opinion that the "troubleshooter" question is not on the agenda; that any discussion at this time should properly be about Election Judges.

Commissioner Messenbaugh asked what the role of a "troubleshooter" is. Commissioner Tyler responded that she has requested that 11 "troubleshooters" be hired; one for each City Council district. Also, there should be at least one bilingual "troubleshooter," for a total of 12. The task of the "troubleshooters" is to solve problems at the precinct polling places.

Karon Hatchett expressed the opinion that there is insufficient money in the budget to hire 12 "troubleshooters." Commissioner Jackson indicated that if these people are considered Election Judges, the Commission can indeed hire and pay them.

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Commissioner Messenbaugh asked Commissioner Tyler if the proposed solution (paying "troubleshooters" as Election Judges) is what Tyler wanted. Commissioner Tyler responded that she wanted to be sure that the public knows the decision of the Commission on this matter.

Commissioner Jackson noted that "troubleshooters" are different than Election Judges. Commissioner Messenbaugh indicated that there might then be budgetary problems with hiring them. Ms. Hatchett interjected that the Commission may pay "troubleshooters" with Election Judge funds, and that, from a "budget" perspective, such a solution would be appropriate.

Commissioner Tyler asked if "troubleshooter" training would be on the same time-line as Judges training. Ms. Hatchett responded that "troubleshooters" would need additional training. Commissioner Jackson noted that the addition of 12 "troubleshooters" would raise the number of Judges still needed from 75 to 87. Commissioner Tyler asked if the Commission would approve the expense of putting an advertisement for Judges in the paper. Ms. Hatchett responded that this would be done if the budget allows it. Commissioner Jackson opined that an ad should be placed, unless the cost is exorbitant. Commissioner Tyler asked for a report on what is done and what results ensue.

B. Phone Bank

Karon Hatchett reported that on April 11th there was a flood in the basement (the location of the Phone Bank). Ms. Hatchett indicated that Debbie Gokey has informed her that the Phone Bank room can be ready for use again by Friday, April 18, and that all phones and computers will be in place and operational by that date. Phone Bank training is scheduled for April 22, 2003.

Commissioner Jackson asked how many phones will be in the Phone Bank. Ms. Hatchett responded that there would be 16, of which four will be for bilingual and four for Election Judge Phone Bank staff. Mr. Wolfe indicated that the phone-line "precinct locator" should reduce the number of calls to be handled by staff. Ms. Hatchett indicated that this system will be up and running by April 22, 2003. Commissioner Tyler requested a report on this situation.

Commissioner Messenbaugh asked how many people would be working on the Phone Bank during Early Voting. Ms. Hatchett responded that, to the best of her knowledge, there would be eight.

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C. Sample Ballot

Karon Hatchett indicated that sample ballots are available today (one day earlier than expected). She distributed copies to the Commissioners for their inspection.

IV. Miscellaneous

Karon Hatchett reported that the revenues for March, 2003 were \$3,030.12 and that the year-to-date revenues are \$6,955.29. Commissioner Jackson asked if the Commission has received the money owed it by the Secretary of State. Ms. Hatchett indicated that it was received last week. Commissioner Jackson noted that it is not reflected in the revenue amounts reported. Ms. Jackson also suggested that the receipt of this money (although it all goes to the General Fund) might be used as an element of negotiation with City Council for increased budgeting for the Commission.

Commissioner Messenbaugh noted that any money the county receives from the Help America Vote Act (HAVA) must be put to use in elections, and cannot go into the city's General Fund. Commissioner Jackson asked if we need special revenue forms or accounting to ensure that this is the case. Commissioner Tyler indicated that no one at HAVA seems to know the answer.

V. Announcements and Comments by Commissioners, staff and guests

Commissioner Tyler indicated that she and Karon Hatchett and Carrie Kellogg recently attended an Election Center meeting in Colorado Springs regarding HAVA. As a result, Tyler proposes that an informal "stakeholder" group be formed in Denver. As proposed, this group would "transition" into the new Election Commission administration that will be in place after the May election. Commissioner Tyler will meet with the Mr. Padro of the City Attorney's office to discuss some of the legal aspects of HAVA. She noted that HAVA money cannot be used to fund normal election expenses of the Commission.

Commissioner Jackson expressed the opinion that the Secretary of State will provide counties with guidelines on how HAVA money will be distributed and handled. Commissioner Tyler indicated that she still wants to organize a "stakeholders" group. Commissioner Jackson asked how large such a group would be. Commissioner Tyler responded that she imagines it to be no more than five or six people to start. She indicated that HAVA recommends that such groups be formed to start a dialogue with city government about the effects of the new law.

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Commissioner Tyler indicated that she would help form this group, and would help it to make the transition to the new Election Commissioners. She indicated that the new Commissioners will need a report from the "stakeholders" group, to help them get up to speed on HAVA. Tyler suggested that she may even attempt to do a "teach in" on HAVA prior to the May election. Tyler envisions the "stakeholders" group taking one or two meetings to go through the law (HAVA) and then to meet to make recommendations.

Karon Hatchett indicated that she would like to see the "stakeholders" group directed by a Commission staff member. Commissioner Tyler insisted that the group not be directed by a staff member, but facilitated by a staff member, so that "stakeholder" information is transmitted to the Commission and Commission information is made available to the "stakeholders" group. Tyler noted that the Secretary of State will administer HAVA in a "top down" fashion and that the "stakeholders" will operate as a "bottom up" source of information and input.

Commissioner Jackson indicated that staff might not have time to participate in such a group between now and the June election. Karon Hatchett indicated that she would like the staff to participate no earlier than

July. Commissioner Jackson opined that staff will not have time to participate until July. Commissioner Tyler suggested that action is needed immediately, since HAVA money has already begun coming to states. Karon Hatchett indicated her belief that only "small" states have begun getting HAVA money. Commissioner Messenbaugh suggested that the Commission get a HAVA timeline from the Secretary of State; Ms. Hatchett indicated that she would secure the timeline. Commissioner Tyler suggested that the first "stakeholders" meeting (with staff participation) be held in mid-June, but that she would hold such meetings without staff prior to that date. Tyler indicated that since HAVA money is coming, the Commission should not wait until July to prepare for the effects of HAVA. Tyler also asked the attendees to call her to volunteer as "stakeholder" group members, and to let their colleagues know about the opportunity.

Evelyn Rojo asked if she should ask Maria Garcia (NALEO) to be involved as a "stakeholder."

Commissioner Jackson asserted that as a local representative of NALEO, Maria should be involved.

Commissioner Tyler asked why there is no "permanent" staff at the front desk. She noted that currently, Lowell Wriston (who has a different job) and temporary workers are staffing the Commission's front desk.

Ms. Hatchett replied that the front desk is staffed, and that she is conducting a second interview with a candidate this week. She explained the delay in terms of Bill Brennan's (the employee's supervisor's) medical absence at the time of the originally scheduled final interview.

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She further noted that the candidate and Mr. Brennan will meet this week. Hatchett indicated that if all goes well she plans to make the candidate an offer, and to get the candidate started on Monday, April 21, 2003.

Natasha Davis indicated that the Commission received 150 to 200 resumes for the job, of which 10 were qualified. She noted that she sent several of the resumes to Patricia Nelson, so that the candidates might be approached to become Election Judges.

Commissioner Tyler asked if the phone system (which had been out of order) has been fixed. Karon Hatchett assured her that the system is being fixed to ensure that it does not fail prior to or on Election Day. Commissioner Tyler opined that the "telephone" people have not understood or fixed the problem in eight years. Commissioner Jackson insisted that the problem in previous years was due to the insufficiency of phone lines at 303 W. Colfax, and that the lines at 200 W. 14th Avenue are more than adequate for the Commission's needs.

Rose Keating spoke. She indicated that she called the Commission last week at about 3:15 p.m. The phone rang for two minutes before anyone answered it. There was no outgoing phone message. Karon Hatchett assured Ms. Keating that she would investigate the situation and find out what happened.

Commissioner Jackson indicated that the Commission will stay on top of the phone situation.

Commissioner Tyler asked if Early Voting is completely organized and planned; and if the only problem is the lack of one bilingual Judge. Karon Hatchett responded in the affirmative. Tyler indicated that she visited the Early Voting site at Yale and Monaco at the last election, and that it was extremely crowded and that sites are not monitored for "crowd control." Tyler indicated that voters waited one to two hours to vote at that location in 2002. There was no system to control the crowds and let voters know what was going on.

Mr. Wolfe noted that a new site (at Leetsdale and Monaco) was added to reduce the number of voters utilizing the Yale and Monaco site. Wolfe also indicated that most grocery store voters don't complain about long lines, since they have made a choice to vote early at the store. He further suggested that an additional person operating the computer would speed up voting at Yale and Monaco. Commissioner Tyler admitted that she went to Monaco and Yale on the last day of Early Voting, which might explain the long lines she encountered.

Karon Hatchett suggested that the "troubleshooters" could assist with problems at Early Voting – assuming that they are working during Early Voting. Commissioner Tyler indicated her belief that Early Voting Judges must be trained and know how to handle situations like long lines and "crowd control."

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Commissioner Tyler asked about planning for Election Day events. Karon Hatchett responded that Natasha Davis is working on the project, and getting the participation of community groups in the event.

Commissioner Tyler made two recommendations. She recommended, for the Absentee Ballot drive-by drop-off, that the Commission arrange to have five to 10 cars drive through as a "test," to be sure that the system works and traffic flow is unimpeded. Tyler also recommended (to Ms. Davis) that she rehearse the entire program, to be certain what will happen when. Tyler reminded Davis that the media would be in attendance, and indicated that she would like to see the program go off smoothly.

Tyler also noted that the morning program will unfold quickly, and that "downtime" should be avoided. Ms. Hatchett assured Commissioner Tyler that the event will be rehearsed and that there will be a schedule of aspects of the event. Ms. Davis indicated that she has commitments to participate from several groups. Commissioner Tyler suggested that she approach East High School.

Evelyn Rojo asked how Judges would get in touch with "troubleshooters." Karon Hatchett responded that the "troubleshooters" will have cell phones. Commissioner Tyler noted that "troubleshooters" phone numbers must be available to everyone who might need to contact them. Commissioner Jackson opined that extra computers might also be needed at Early Voting.

Susan Rogers spoke. She noted that at the last Commission meeting, John Cimino was "off" the ballot and Bruce Meadows was "on." Now that situation appears to be reversed. Rogers asked what the status of the ballot is now, and how the difficulty was resolved. Commissioner Tyler indicated that the City Attorney informed the Commission that it could take administrative action to effect whatever decision it came to. Commissioner Messenbaugh indicated that Mr. Cimino had challenged the Commission's earlier ruling successfully and that Mr. Meadows did not respond when asked if he wanted to challenge the Commission's decision on his petitions.

Regarding the change in definition of "sufficient address," Frank Sullivan asked if the Commission had been aware that many candidates (other than Carol Boigon) had addresses that lacked "Denver" on their petitions, but that these addresses were rejected. Sullivan asked why the Commission had changed the rules. Commissioner Jackson responded that no one but Carol Boigon protested or challenged the decision.

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Commissioner Tyler expressed the opinion that Ms. Boigon brought in her petitions too late to "cure" the insufficient addresses, and that City Attorney Stan Sharoff and Boigon's attorney Mark Grueskin came to the decision that Ms. Boigon's signatures were "substantially compliant" and should be counted. Commissioner Messenbaugh interjected that these two attorneys did not make that decision, but that the Commission made the decision. He indicated that the staff told other petitioners that an address lacking "Denver" would not be counted, and none of those candidates protested or challenged the decision. Commissioner Tyler indicated that she is aware that Mr. Sharoff and Mr. Grueskin discussed the situation at length on March 18, 2003 prior to the Commission meeting at which the decision was made. Tyler indicated that the Commission had planned to cancel the meeting (due to the impending blizzard) but that Mr. Sharoff and Commissioner Messenbaugh decided to conduct the meeting so that Ms. Boigon's case could be resolved in her favor.

Commissioners Jackson and Messenbaugh objected, noting that Commissioner Tyler was not privy to any telephone conversation between Mr. Sharoff and Mr. Grueskin. Commissioner Tyler responded that other petitioners did "cure" their signatures that lacked "Denver," and that is why their situations were not brought to the Commission for consideration.

Mr. Sullivan asked the Commissioners if they were aware that other candidates complained about the rejection of these signatures. Commissioner Messenbaugh indicated that he was aware of such complaints, but did not himself have the power to reverse Commission policy as it then existed. Mr. Sullivan asked if the "new" rule applies to future elections, or just to the May 2003 election. Commissioner Messenbaugh responded that the change only applies to this May's election, but that Commission rules should be changed to make the "new" signature policy ("Denver" not required) effective for future municipal elections. Mr. Sullivan agreed that this should be done.

Mr. Sullivan also complained that the City Charter changes on the May ballot are virtually incomprehensible, and that he is uneasy voting on something which he cannot understand. Commissioner Jackson responded that the Commission does not control what City Council puts on the ballot, and that the Commission does not rule on Ballot Titles -- except in the case of initiated ordinances or referenda. Commissioner Messenbaugh added that he too is uncomfortable with Titles like those for Charter Amendments on the May ballot. Commissioner Tyler noted that, in any case, the Commission's role in ruling on Ballot Titles is minimal.

Commissioner Jackson announced that the next regular meeting of the Election Commission will be on May 20, 2003 at 4:00 p.m.

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VI. Motion for Executive Session

Commissioner Messenbaugh moved that the Commission go into Executive Session. Commissioner Tyler seconded the motion, which passed unanimously.

VII. Adjournment

Commissioner Jackson moved that the meeting be adjourned. Commissioner Messenbaugh seconded the motion, which passed unanimously.

THE DENVER ELECTION COMMISSION

Sherry L. Jackson, Commissioner

_____ Mark W. Messenbaugh, Commissioner

_____ Jan Tyler, Commissioner

Attest:

_____ Karon Majeel Hatchett, Executive Director

Dated: _____