

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

Present: Sherry L. Jackson, Commissioner
Mark Messenbaugh, Commissioner
Jan Tyler, Commissioner
Susan Rogers, Commissioner-Elect
Sandy Adams, Commissioner-Elect
Frank Sullivan, Denver Democrats
Theresa Jones, Denver League of Women Voters
Bonnie Clarke, Denver League of Women Voters
Sean Walsh, CRL Associates
Erik Jeffries, Liquid Graphics, Inc.
Craig Rouse, Arthouse Design
Karon Majeel Hatchett, Executive Director
Carrie Kellogg, Staff
Lynn Wolfe, Staff
Evelyn Rojo, Staff
Alan McBeth, Staff

Commissioner Jackson called the meeting to order at 4:05 p.m.

I. Approval of Minutes

Commissioner Messenbaugh moved that the minutes of the June 17, 2003 meeting be approved.
Commissioner Tyler seconded the motion, which passed unanimously.

II. Executive Director Report

(Please see the attached copy of the Executive Director Report.)

A. Revenue for June 2003: \$166.75
Revenue Year to Date: \$95,223.90

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B. Secretary of State HAVA Update

Karon Hatchett referred the Commissioners to her written report, which is attached. Ms. Hatchett indicated that she, Debbie Gokey and Kristy Bois of the city's Budget and Management Office (BMO) met on June 25th with Drew Durham of the Secretary of State's office on the Help America Vote Act (HAVA). Mr. Durham noted that the Secretary of State will retain all federal money coming to Colorado from HAVA, and suggested that Denver begin to create an estimate of costs for HAVA implementation – for disabled-accessible voting machines and HAVA "educational" costs.

Commissioner Jackson asked if the Secretary of State has the authority to approve or disapprove our request for HAVA funds. In response, Ms. Hatchett indicated that there will be no "reimbursement" from the Secretary of State. Counties will select the equipment they want to purchase to meet HAVA requirements. The state will pay vendors via direct third-party payments. Ms. Hatchett indicated that the Commission has not finalized what the costs of HAVA-funded voting machines (for the disabled) will be, and advised that consideration be given to the long-term use of whatever machines are chosen. She opined that the Commission should consider machines that have the flexibility and adaptability to meet future voter needs in Denver.

Ms. Hatchett also reported that the Secretary of State has indicated that the federal money allocated for HAVA has already been reduced. At present, the federal government plans to distribute 69% of what was originally budgeted. Commissioner Tyler noted that this is, in effect, a 31% unfunded federal mandate. Ms. Hatchett added that the federal government may provide only up to \$3,500 for machines that may cost counties as much as \$4,500 each. In any case, purchase at this time would be premature, since

HAVA standards have not yet been set.

Commissioner Jackson asked about new voter identification requirements. Ms. Hatchett indicated that the issue would be discussed later in her report and that the State of Colorado has already enacted such requirements. Commissioner Tyler asked the representatives of the League of Women Voters (LWV) if they had any comment on the recent HAVA Stakeholders meetings that have been held at the Commission.

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Theresa Jones of the League noted that LWV would not be active again until September. Tyler asked if additional meetings would be warranted. Bonnie Clarke (LWV) indicated that the Commission should wait until there is an audience available (in September) then should arrange another meeting on HAVA.

Commissioner Tyler asked the LWV representatives if they liked the format of the meetings that have already been held. They responded in the affirmative. Tyler noted that the meetings had been informal "study sessions" on HAVA, and indicated that if the LWV felt more meetings would be beneficial, its representatives should contact the Commission.

C. State Legislative Update

Ms. Hatchett again referred the Commissioners to her printed report. She indicated that a revised version of Title I has not yet arrived from the Secretary of State. Ms. Hatchett expects the final version of the law (including revisions to provisions regarding Mail Ballots and Absentee Ballots) to be ready by the end of the month.

Commissioner Jackson asked if any City Charter changes are necessary. Ms. Hatchett responded that the only needed Charter change is for a longer time period between Municipal and Run-off elections, so that there is sufficient time to process and count provisional ballots. Commissioner Jackson opined that the Commission needs to move on that measure at once. Commissioner Tyler recommended that the staff approach the new Election Commissioners and City Council immediately, to get the needed Charter changes enacted.

Ms. Hatchett indicated that the new state laws under discussion are effective immediately, and noted that there are signature verification provisions of the law that would affect a mail ballot in 2003. The law states that the only (mail ballot) signatures that must be verified are those that are in the Commission's database on Election Day. Discussion followed to clarify whose signatures must be verified. Ms. Hatchett explained that the Commission has just begun to create a database of scanned signatures and that the law requires "scanned signature databases" for November's election for those voters who registered on or after January 1, 2003.

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Commissioner Tyler made a recommendation – for the record. She strongly suggested that the Commission publicize the new state regulations on voter identification and signature requirements. Tyler believes that extensive press coverage and the development of written procedures to educate the public are needed. She based her suggestions on the fact that the issues involved are sufficiently complex that most people will not understand them without explanation.

Ms. Hatchett noted that federal voter identification requirements will not affect the November election in 2003. Commissioner Jackson remarked that they will affect the 2004 elections, and asked how the Commission will identify who has provided identification and who has not. Commissioner Messenbaugh asked if only new registrants will be required to present identification at the polls. Ms. Hatchett responded in the affirmative, per federal law. Messenbaugh noted that this would cause different treatment among voters, depending on when they registered. This, he opined, could be extremely problematic at the polling places. Susan Rogers corrected this misapprehension, noting that under state law, all voters must show identification at the polling place. Therefore, there would be no "different treatment" from one voter to

another. Commissioner Jackson indicated (without elaboration) that the Commission will still encounter problems with State Identification Cards.

D. Petition Update: "Increasing Public Safety by Creating Peace"

Karon Hatchett reported that the petitioners submitted some signatures that were illegible, but ultimately provided a sufficient number of valid signatures. The initiated ordinance was sent to City Council, which failed to pass it. Hence, the ordinance will appear on the November ballot.

E. Election Voter History – Update

Karon Hatchett reported that the "voter history" component of the voter registration database for the May 2003 and June 2003 elections is complete. Reports containing voter history for these two elections became available on July 7, 2003.

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F. NALEO Conference report – Evelyn Rojo, Spanish Language Outreach Coordinator

Karon Hatchett referred to the Executive Director Report for the highlights of the NALEO conference. She noted that Evelyn Rojo was involved in a panel discussion on the outreach issue, that UNIVISION TV was represented, and that a "cash checking" company reported on its voter registration efforts. Ms. Rojo indicated that she provided a "Latino Demographic" map of Denver to John Tanner of the Department of Justice. She also spoke about a local administrators' HAVA panel discussion presented at the conference. She noted that for local entities, the biggest issue is the cost of HAVA implementation. For states, on the other hand, the biggest concern is voter identification requirements.

Commissioner Tyler suggested that anyone who is seeking more information on HAVA's voter identification requirements should visit the internet at electionline.org. Ms. Tyler asked Ms. Rojo if she could identify the numbers of Latino voters in Denver. Ms. Rojo answered in the negative, indicating that voter registration is not allowed to identify ethnicity, and that "Spanish surnames" do not indicate who is of Spanish descent. She did supply a report with some indication of Hispanic voter turnout in Denver.

Commissioner Tyler made a suggestion that the Commission code Voter Registration forms in order to discover the source of successful voter registration attempts. Ms. Rojo indicated that there is too little staff available for the Commission to do such tracking internally, but that people conducting Voter Registration drives might be able to assist in such tracking. Commissioner Tyler indicated her belief that many other jurisdictions (with modest resources) accomplish such tracking, reiterating that there must be a way to code Voter Registration forms to determine where they came from. Ms. Rojo indicated that she would be able to report on numbers of Latino voters if she had more help.

III. New Business

Introduction of new Denver Election Commission logo

Erik Jeffries, of Liquid Graphics, Inc. serves as a volunteer for the American Institute of Graphic Arts (AIGA), which has worked on a new logo and graphic standards for the Commission for over two years.
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Mr. Jeffries described the process that was undertaken to develop the logo. Research produced a document that attempted to capture the essence of the Election Commission. This document was given to Craig Rouse of Arthouse Design, who developed the final logo and graphics standards. Ms. Hatchett noted that the entire staff and the Commissioners had input on which of various logos created would be used. Hatchett praised AIGA for all of the work it has put into the logo project.

Commissioner Jackson requested a motion on adoption of the logo and standards. Commissioner Tyler responded with remarks of thanks for the AIGA people who worked on the project. She then moved that

the Commission formally adopt the logo and graphic standards. Commissioner Messenbaugh seconded the motion, which passed unanimously.

IV. Announcements and comments by Commissioners, staff and guests.

Frank Sullivan asked what the disposition is of the North Denver Democrats issue. Ms. Hatchett indicated that she has spoken to the City Attorney's office, which continues to hold the Hearing Officer's recommendations under advisement. Mr. Sullivan asked who the "contact person" at the City Attorney's office is. Ms. Hatchett encouraged Mr. Sullivan to contact Efrain Padro at that office.

Susan Rogers asked when HAVA Voter Identification requirements would take effect. Ms. Hatchett answered that the effective date is January 1, 2004. Sandy Adams opined that Voter Identification requirements for registration have been in state law for at least 12 years. Commissioner Jackson remarked that she still does not understand the state law on signature verification, and asked Carrie Kellogg when voter identification requirements take effect. Ms. Kellogg indicated that she was uncertain of the dates for state and federal voter identification requirements. She noted that state law requires voter identification for registration by mail, and requires that all voters show photo identification at the polls. Any voter who cannot produce identification at the polls may vote with a provisional ballot.

Commissioner Tyler asked when the state Voter Identification law takes effect. Susan Rogers responded that the law will be in effect fore the November 2003 election. Karon Hatchett added that there remains controversy regarding to which elections the state law applies.

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Ms. Adams reiterated her belief that current law requires that identification be supplied with mail voter registration. Carrie Kellogg noted that the state-produced Voter Registration Form does not include any identification requirements. Commissioner Jackson indicated that she wants to be certain that Denver is in compliance with the law. Susan Rogers reiterated that state law requires everyone to show identification at the polls. After discussion of what new state law requires, Commissioner Jackson indicated that she wants the City Attorney to provide clarification of what the Commission must do to be in compliance with the law.

Commissioner Jackson asked for "additional comments." Ms. Hatchett noted that today's meeting is the last for the current board of Commissioners. She presented Certificates of Appreciation to the Commissioners and copies of commissioners' photos from Millenium Press.

Commissioner Jackson wished the new Election Commissioners well. Commissioner Messenbaugh thanked the staff, the new Commissioners and his colleagues. Commissioner Tyler thanked the new Commissioners, and especially the staff for its hard work.

Commissioner Jackson announced that the next meeting of the Commission would be held on August 19, 2003 at 4:00 p.m.

V. Motion for Executive Session

There was no motion for Executive Session.

VI. Motion for Adjournment

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

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