

**Denver Election Commission  
Regular Meeting  
303 West Colfax, Dept. 101  
Tuesday, August 22, 2006  
5:30 p.m.**

Attendees: Commissioner Wayne Vaden, Commissioner Susan Rogers, Commissioner Sandy Adams

Lisa Jones, Citizen  
Billy Compton Colorado Democrats  
Bonnie Clarke, League of Women Voters  
Rosella Gonzales, Citizen  
Colin Rose, University of Colorado at Colorado (UCD)  
Melanie Gann, UCD  
William Simmons, UCD  
Carol Tone, Citizen  
Lynn Pressnall, City Council Dist. 5  
Dan Willis, Colorado Democrats  
Walt Beckert, Safe City  
Ramona Lampey, Wheeler, Tiggs & Henry  
Faith Gross, The Legal Center  
Carolyn Metzler, Colorado County Republicans  
Frank Sullivan, Colorado Democrats  
Dave Lewis, Senate 32 District Candidate  
Linda Vargas, American GI Forum  
Margaret Atencio, Citizen  
Manolo Gonzales Estay, Spanish Language Advisory

DEC Staff: John Gaydeski, Executive Director, Matt Crane, Operations Director, Alton Dillard, Communications Director, Tina Romero, Jose Johnson, Phyllis Bell-Harper, John Williams

Meeting was called to order at 5:30 p.m.

- I.
  - A. Approval of Minutes of 7.25.2006 – Commissioner Vaden moved to approve and Commissioner Rogers seconded. Minutes approved and accepted.
  - B. Executive Director Report July revenue report total indicated (attached report)

Primary election review/recommendations - Aug.8 Primary Election offered debut of Edge machines and Vote Centers.

Several problem surfaced in the areas of:

1. Election Judge training , knowledge, and reporting
2. Vote Center layouts and flows
3. Privacy while voting
4. Opening on time
5. Card activator errors
6. Voter Education

John Gaydeski's comments reflected several hundred pages of Election Judge feedback; feedback through council and individuals who contacted the DEC via the e-mailbox.

- Concerning Election Judge training and knowledge - too many had difficulty when opening the Vote Center; emphasis will be on this for upcoming election; inability to turn on machines; e-pollbooks were not up and operational; judge training will be the single, most important emphasis for the upcoming election to equip them with all the knowledge and tools necessary to deal with any question that arises and to do so with confidence. This will be achieved through checklists to cover opening and closing and operation of the Vote Center during the day. A manual will be set up for easy access. A Supervisor Judge will be specially trained on all aspects of the Vote Center operation. Testing of Election Judges will be administered assessing straightforward knowledge of the pollbooks, Vote Center operations, and all technically related information.
- Concerning communications - Some of the problems could have been quickly resolved if they had known who to call with a problem. The DEC main office should be the command post and it didn't work out that way early in the day. Communications directions will be clearly developed--who to call and the number to call; to be included in judge's checklist.
- Physical Sites/Machines - Vote Center signage was an issue (interior and exterior)--it needs to be more identifiable and visible; interior directional signs also needed; some Vote Center flow plans worked out well and some didn't; Bear Valley was extremely small and had high number of voters; privacy with Edge machines was a problem; each Vote Center will be surveyed with an eye on voting machines, in order to ensure a higher degree of privacy; late opening of sites was not acceptable; card activators posed a physical issue because of timing built into activators; better training for judges is related to this prior to the election, as well as redoing the code in order to pose less confusion
- Voter Education – Educate the voters that there has been a change in the method of voting; check your ballot before casting your vote; better training of judges should help; it's going to take some time to understand new patterns.

Commissioner Rogers questioned the 50-day period in terms of training; can training be earlier? Does statute allow for this? Commissioner Adams said that judges did not understand the big picture and questioned the possibility of developing a video.

Commissioner Rogers said that signage/directional arrows were good when they were posted, but not obvious at all locations. Dan Willis said to get with people who post signs to ensure that *do not vote here* signs are kept up for Election Day in the previous polling places.

Ms. Gand, Auraria Higher Education Campus, requested a reassessment of Auraria Campus as a viable Vote Center site. She expressed that there are 1000 students residents with the new student dormitories in Colorado, accessibility of light rail, T1 lines are in place and technological capabilities are in place. Regent Carrigan and AHEC officials are looking optimistic about the parking waiver. John Gaydeski said we're at 47 vote centers and we could have 48.

## II. Old Business

### A. Commissioners Post Election Review

Matt Crane reported that from an operational standpoint overall everything went well. There were card activator problem. A couple of new printers got caught printing on the same line but it was quick fix. Three extra printers were placed at each Vote Center and this worked well. The Advantage machines performed well. There was good feedback on the new machines. A few complaints were received regarding the speed of the printer. 700 machines were placed for the Primary because of uncertainty about how many would be required. With the exception of the Botanic Gardens, the e-pollbook functioned well. A lost router was causing problems at the Botanic Gardens. Anthony Rainey and his team did an excellent job of responding. Tattered Cover also experienced IT problems per Carol Tone and response was not prompt. Commissioner Vaden stated that we were operating on old software in past elections and that with the new updates from Sequoia the speed and efficiency of the new absentee process went very well. Provisional ballots over 200 represented a drop from previous elections. Win EDS software operated well. The report to Channel 8 needs to be improved upon. Commissioner Rogers stated that with VCs and percentage of precinct reporting; there was a confusion on reporting; somebody reported us on a blog as being the slowest county to report numbers. Matt Crane said that when cartridges were returned we didn't do a good job of saying that cartridges were being reported in blocks by location. This process should be speedier in the upcoming election. Commissioner Vaden wasn't concerned with specific reporting because percentage was more accurate. Rosella Gonzales commented that if you can't give a sense of absentee ballot reporting, it's not clear. Matt responded that this can be delineated at the beginning of reporting.

Lisa Jones asked what does it mean when the printer jams? The printer printed but just kept overprinting. The judges caught it after House Speaker Romanoff alerted them. Lisa Jones then asked if there was clarification that the vote was counted. Per Matt, judges have vote discrepancy forms for verification of votes from the counter on back of the machine and can verify paper audit trail against total count.

Commissioner Adams commented that with 949 votes from the Botanic Gardens, did we know that Tuesday was a free day at the Botanic Gardens? Was logistics aware? Matt said they were not aware.

Matt said that for this election and next reporting will be by ballot style. In addition, Sequoia provides the base program and the DEC programs the specific candidates, questions, etc. Lynn Presnall questioned whether there will be precinct reporting for the May Municipal election. Maps will detail the ballot style per precinct per Crane. It was stated that there has been some conversation about absentee reporting by precinct. Crane said this is not an option; it's a report all or none proposition. Rainey said it cannot be done. The problem is not on the front end. The problem is on the back end in the tally process. SQL cannot distinguish between precinct reporting and all the different forms of reporting per Rainey.

Crane went on to comment that in each supervisory packet the ballot content was detailed, and that this can be used as a checklist for the November election. Adams questioned how the differentiation for each ballot style will occur. Per Crane this will occur through identification of races specific to each ballot style.

Bonnie Clarke, League of Women Voters, requested clarification on the precinct reporting issue. She stated that one can tell results are anomalous, once a problem arises we could be getting bad numbers. Will we be getting any precinct reporting? Where is the big hurdle in the tally? Where's the bottleneck? When can it be solved? New machines can handle precinct reporting; absentee and early can be reported; whole election had to be reported by ballot style. Old machines don't allow differentiation in ballot styles.

Commissioner Rogers asked whether we can have special precinct reporting or smaller pieces of data. Crane stated that he is not sure, because data is dictated by districts.

We will still have 17 ballot styles going to the tally software. Commissioner Rogers requests continued testing on reporting, and said that we also don't get good socioeconomic data. For example, District 5 contains Lodo and Globeville. Candidates won't be given good data. Commissioner Adams said data study is important. Rainey asked is feasibility of reporting is being required for November. Rosella Gonzales recommends doing some public relations with the political campaigns ahead of time to alert them to the data reporting issue and perhaps cushion the blows to the DEC. Carolyn Metzler said we won't get good reporting until 2008 and stated that the PDF reporting mechanism is not a good reporting mechanism. Matt said we will improve on the reporting for November. Dan Willis thanked Rainey and his crew for babysitting the T1 line at the Botanic Gardens. Rainey said the problems occur because of implementation on Election Day and there was an identified the problem in the module; Qwest assisted in identification of the problem. Adams wanted to know if the fix is in having a spare router? Anthony said, yes, but it's not so generic that you can have a spare. It's a very complex piece of equipment. Adams wanted to know how we will be prepared. Rogers wanted to know if pre-testing can be done. Rainey clarified that sometimes things out of the box can't be pre-tested. Three sets of teams checked the routers per Anthony and the problem couldn't be predicted until that day. Carol Tone said she had problems and the tech team appeared at 6 a.m. and then disappeared until problems surfaced. Anthony explained that there were 23 techs in 47 sites. Carol said it was a disaster at Tattered Cover. Gaydeski said an attempt to place a technically competent person in each Vote Center will be the goal to alleviate problems

2. Election Judge Training – Commissioner Adams attended one machine judge training and judges ultimately own the responsibility. She wanted to know if there is going to be training of additional judges in anticipation of no shows. Gaydeski states that with early training we will have a better feel of who isn't doing well. In Adams County judges are asked to leave if they do not perform well. Faith Gross commended re accessibility over and above the past elections, Ed Neuberg and Faith would like to meet with Director Gaydeski to review recommendations. Director Gaydeski asked for site-specific recommendations. Faith stated that there were some general issues related to parking in several sites. Election Judge training and machine training allowed for focus on accessibility for voters with disabilities. Trainers did not know how to use the machines so they had difficulty training the judges. Faith never saw evidence that training was effective. Judges

- expressed interested in disability awareness training to Faith. She believes that one trained judge per Vote Center would be the ideal on how to use the disability machine. Advertising with consultation of the disabilities group could be built into the video. Gaydeski said an Election Judge taskforce will incorporate experienced and inexperienced judges to seek improvements for overall training. Ed Neuberg and Faith are willing to assist. Rogers said lack of judges was a nonissue with Vote Centers. Lisa Jones wanted clarification as to whether all DEC employees have to be Denver residents. Per Adams only ballot handlers. Adams clarified that primary judge appointments filled for partisan elections have to be filled by Republican and Democratic parties. CBI checks are performed on oncalls.
3. Logistics – Matt Crane reported that 693 machines were rolled out and, it was also a matter of not knowing which Vote Centers would have the most traffic. District. 3 and Bear Valley had high turnouts on Election Day. Botanic Gardens had high turnout on Election Day, new supply boxes were utilized, more supplies were needed. Signature cards and balloting tickets ran out per Dan Willis, at the Botanic Gardens. Matt reported that Mitchell Hall is unavailable for the November Election. A new location in the Botanic Gardens has been identified. and will allow for better setup. Commissioner Adams recommended a different flow for greeting to encourage consistency by pulling everyone in and handle the flow more naturally. The logistics team is going to review layouts, per Matt. More Edge machines will be placed in some locations to create more space. Edge machines will, however, take longer to vote . A blend of machines will help take some of the traffic off of the Edge machines. Faith Gross said there was a Corvette and a van at the Sunrise facility and election workers said those vehicles were there all day. It was one of the worst violations that day witnessed by Faith. Ed Neuberg's office has the capability of initiating parking violations. Some of the DEC judges are handicapped and she asked if someone would take responsibility for identifying accessible parking for the judges, as well as voters. CBI checks conducted on election workers cost \$15 and are required by statute. Anything that indicates a question/concern about the level of trust flags an inappropriate hire. Primarily, the DEC is concerned about fraud, forgery, identity theft, election offenses, multiple offenses, 5-8 pp of offense make it more evident. A CBI check was conducted on all employees a couple of weeks before the election.

Carole Tone stated that people who were called in the phone bank couldn't answer calls, there were not enough of them and, they were too slow to pick up. Gaydeski said the same directional flow would be applied to training, in order to turn problems over to and, that there will be more people. It was mentioned that there should also be more than one supervisor. Matt said adjustment will be made in November as well as working closely with the 311 call center. Dan said 3 calls were answered correctly by 311 based on his call-ins.

4. Marketing – Alton reported that English and Spanish coverage were provided all through the weekend prior to Election Day, the week prior, ad placements were made with television early on and on election day; a nice piece on disability voter out of Faith Gross' organization was produced on Channel 9. Radio announcements were made by Clear Channel and Entravision radio stations.

Community weeklies and monthlies are being negotiated with starting now. 7,000 hits were made to the website in the week leading up to the election. Brochures were sent to 210,000 active voter households. We went live and people still didn't know where to go to vote. Alton requests that stakeholders and the public need to feedback how to reach communities. For the most part, people who saw the information voting worked and for those who didn't receive any medium, more outreach is still needed. He recommends that organizations/council meetings need to be tapped for dissemination of information. Commissioner Rogers placed a request from a voter for Country radio advertising and to explore the cost. PSAs have to be submitted early, as well as running PSAs outside of Channel 8 programming. Adams reminded that we need to message re **don't go to your polling place**. All registered voters will be worked out with Rocky Rushing to determine a map targeting an individual voter's closest vote center and tag it on the voter card. Ask the Mayor to do a PSA for vote centers per Rogers.

### III. New Business

- A. Spanish Language Advisory Memorandum of Understanding – Rogers presented as representative of the DEC commissioners that over a course of several weeks focus was placed on the SLAB which has been functioning loosely without a focused direction. With perceived problems related to interaction, we wanted to come into agreement; and this MOU reflects the following highlights:
- DEC remains in compliance with Section 203; to provide clear, and adequate resource commitment, a mechanism for constructive working partnership, human resource statement, addressing personnel issues, formalizing the structure of the Spanish Language Board; part of this also calls for 2 year plan to guide activities.
  - Manolo Gonzalez-Estay as member of the Spanish Language Advisory said the group has actually been meeting for months since April. He states an increased need for articulating this document based on years of history because of increased population change and, several folks from different parts of the city assisted in coming up with legal and protective rights of the language and voting age population; it will move us forward to working with the existing Commission and future commissioners.
  - Dave Lewis, SLAB board member working on this since 2002, stated that this group is required by the Voting Rights Act; because of the estimated Spanish language vote in the community; this group has been functioning rather loosely; 10 active members formalized this document for the city based on census figures; how the board functions in relation to the Commission is encouraged by formulation of this document.

Rosella Gonzales was an active participant and then was gone for 6 weeks out of the summer. She requests tabling of this MOU until the board structure and procedures are developed and articulated; to pass an MOU without minimal direction for structure is not going to push the Commission structure forward based on real problems with the DEC and the SLAB;

Manolo Gonzalez-Estay expressed disagreement with tabling this and said that it takes steps to get to the final direction; structure is something that needs to be achieved; it is difficult to move forward without this document, it gives us some foundational work in order to move forward in good faith and, he encourages the Commissioners to support signing.

Money for board development is unclear per Rogers and outside help is necessary to develop the structure. First meeting of the board is in 60 days and this would be problematic. Ad hoc review of that particular piece is requested by Rogers. Glaring question for Adams is, does the SLAB coordinator have to be employed strictly for SLAB. Rosella said there is an intention in name only but that it gets used for everything else. There are other issues that have sufficient resource to cover those issues. There's not an easy 80%, 90% separation. Original draft of the procedures indicated 85% devoted to section 203 of the NVRA. In response to Manolo, Rosella believes things can move forward but not with where the board is at. What would you modify the start time to? A group can be pulled together to articulate this better.

- Margaret Atencio represents self and has been attending SLAB for a couple of years. The matter of money is like waiting for an egg to be hatched because the group can advocate to go forward to the Commission and the City Council then the group can go forward and, it is important to get on it now. Sandy did not see this before tonight and would like to postpone for a week until Wed. 8/30/06 5:30 p.m. Victoria Ortega needs to review. Vickie needs to be here. Moved and seconded by Rogers and Adams and tabled until 8/30/06 at 5:30 p.m. Board development is key and the more interest from the public the better off we'll be. The board development costs are in our budget now. Rosella asks how can you build the board if you don't have board development? If it does become a board that requires ordinance Councilman Garcia is willing to carry. Tina Romero, SLAB Coordinator expressed thanks to the members present who assisted in formalizing and signing the MOU, as well as Billy Compton, who reviewed the document from a legal standpoint. Members present included: Margaret Atencio, Latino Dems, Rose Sanchez, Secy. of State's Office, Manolo Gonzales-Estay, Linda Vargas, American G.I. Forum, Dave Lewis, Denver Republicans and others who could not be here representing a

total

of 10 signers.

- B. Discussion of Tabor Notice for Nov. General Election want to ensure that we produce a piece cost sensible because we know a lot of people rely on the Tabor Book for their information. Adams asked whether we can do in newsprint instead of a booklet. Arapahoe County produces theirs in newsprint and is sending a copy over to Alton. He will look into formatting. He will develop firm ideas one way or the other. The Legislative Blue Book represents the issues and we will make sure we

have the information and work with the League of Women Voters to ensure we have pro and con issues at the Vote Centers

- C. Budget Update/Discussion of June Runoff – time compression factor a runoff of 10 day period to verify the numbers; under Vote Center concept with a district runoff we're obliged to make Vote Centers available throughout the city; we would be better doing a mail ballot election; issue becomes how many ballots do we have to print? Concentration would be better placed on mail ballots. There are 2 district seats likely to have a runoff. June runoff could be held as needed as a mail ballot. Commissioners all agree that it makes sense since we only have 2 district seats. Logistics for the Municipal Election are being addressed because we're working on a budget for 2007. Vaden said running ballots, collecting them, counting and curing with given timeline of only 36 days between general and runoff presents a tight timeline. Rogers stated that despite this we would still need ordinance changes. It was also stated that there is usually not a citywide issue on runoff ballot.

Mail in for May and June Elections assumed by Frank Sullivan, Denver Democrats. Commissioners are not willing to do this. Consistency needed with Vote Centers per Rogers. All agreed unanimously.

Is channel 8 in budget at \$1300 per show? Agreement from Council to use their meeting room? Significantly higher to wire DEC conference room. Susan wants to see these meetings televised. Gaydeski recommends television 60 days before each election with use of council chambers. One of the top concerns brought forth by the Governance Taskforce panel per Lynn Presnall and stated that this is best way to raise visibility. Council is willing to have room utilized for television. Bonnie Clarke encourages transparency by televising every meeting. Regular monthly meetings only suggested by Carolyn Metzler. Dan Willis encourages televising. Faith Gross, as well. Carolyn questioned viewing audience numbers. Adams and Rogers approved motion for budgeting for the first 6 months of next year. Gaydeski will have to budget for 6 months of 2007

- IV. Announcements & Comments by Commissioners, Staff, and Guests – Bonnie Clarke, League of Women Voters Service Chair, commented on the Federally run GAO report around voting technology, security and accuracy; some evidence of good testimony for David Wagner report; it's the report of the Brennan Center taskforce; "The Machinery of Democracy" (100 pp focused on security can be downloaded) based on 20-30 experts and experts of NIST There are some recommendations that Denver may already be doing. Search on [brennancenter.org](http://brennancenter.org). It is a report that will make you feel better about accuracy.

Amendment 45 withdrawn per Dan Willis.

Frank Sullivan - 3 things related to the warehouse 1) appalled at equipment being housed in 95 – 100 degrees and concerned about what's happening to the electronic pieces; was it not in the contract re air conditioning so that machines are protected;

2) no cameras; security is inadequate;

3) who and what is canvassers training for DEC staff; last Friday called in at 8:30 why don't you come back at 1:30 ensure DEC staff knows who canvassers are;

In addition, a year or 2 ago use of public money filing was placed by Rosella Gonzales and Frank and, nothing has been heard back. Public hearing officer and meeting was never scheduled to review and this needs to go on the next agenda. Gaydeski is to ask Vicky to be in attendance.

Carolyn Metzler stated that Republican and Democratic canvass board first time was required to observe post election audit and Frank was correct that nothing was ready. SOS treatment was bad. Denver is perfectly willing to do what is needed to be done and not every 15 minutes; only 5% required but 10% was done. Bulk of problem was with the SOS office. Theresa Teeters did a fine job. Machine environment needs to be checked out. The Commission staff is being abused with the high temperature. Canvasser were bothered by the conditions. Commissioners were blind sighted. Gaydeski said conditions are terrible and relief has been sought through the contractor. Negotiated for portable air conditioner. Gaydeski stated that a meeting with building management was coordinated but he doesn't understand how buildings are run or managed, as bldg is not suitable for the machines or the workers. 85 degree has been determined as the max temperature on machines. Someone placed a \$600,000 dollar figure on building upgrades when the DEC was moved there. Security cameras are still not in place; physical security is still in place. Susan wants to know where the change order is.

V. Motion for Adjournment at 7:55 p.m. Unanimous approval.

THE COLORADO ELECTION COMMISSION

\_\_\_\_\_  
Wayne E. Vaden, Commissioner

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Sandy Adams, Commissioner

\_\_\_\_\_  
Susan Rogers, Commissioner

Attest:

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Date