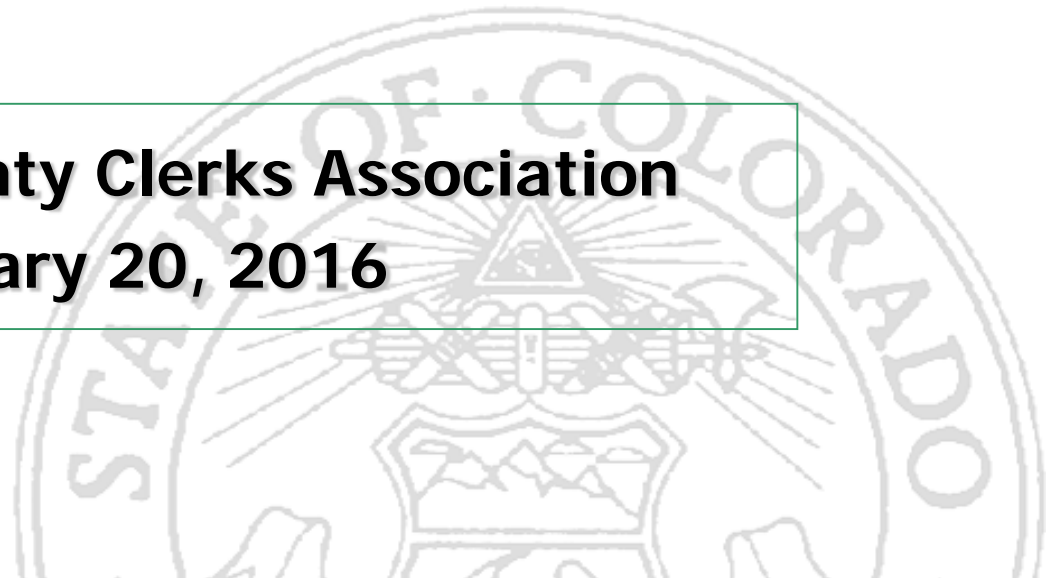


# Colorado Secretary of State Wayne Williams

**Colorado County Clerks Association  
January 20, 2016**



# Updates on Key Issues

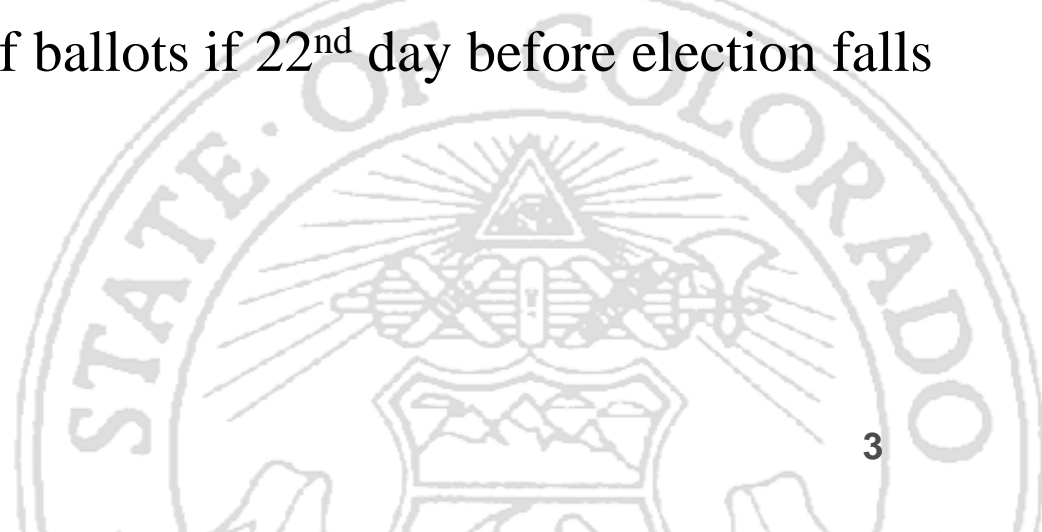
- 2016 Legislative Session
  - SOS Priorities
  - Other Possible/Pending Legislation
- Preparations for 2016 election
- NFIB lawsuit
- Uniform Voting System



# 2016 Legislative Session

## SOS Priorities

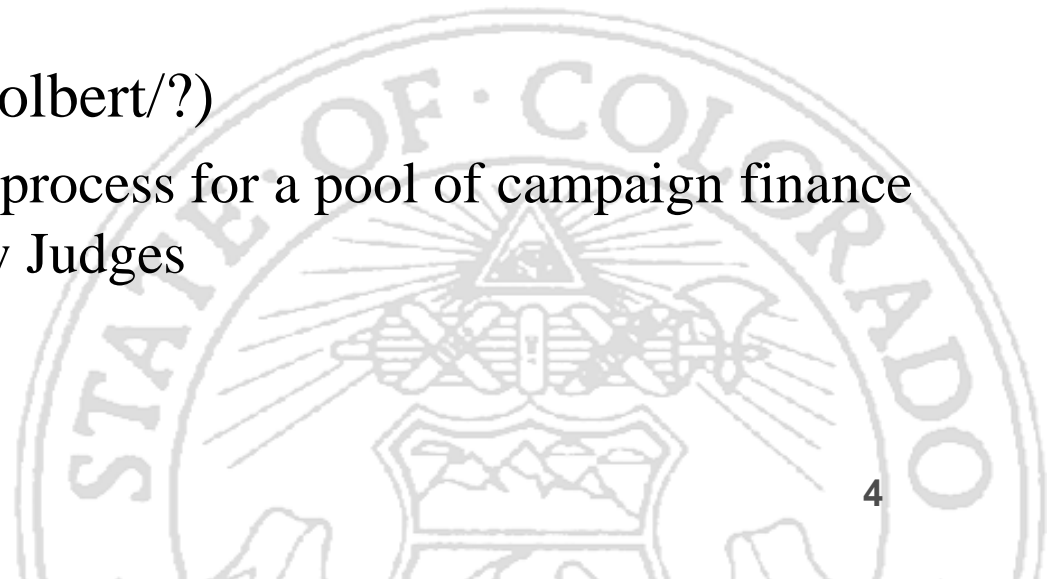
- Municipal signature verification (Neville/Neville)
  - Title 1 language in Title 31
- Election cleanup bill (Scott/Ryden)
  - Worked closely with ESRC to develop technical cleanup bill
  - Allows for earlier mailing of ballots if 22<sup>nd</sup> day before election falls on a federal holiday



# 2016 Legislative Session

## SOS Priorities (continued)

- Watcher reforms (?/Windholz)
  - Updates timeline for appointment of watchers
  - Procedures for potential discrepancies
  - Background checks
  
- Campaign finance ALJs (Holbert/?)
  - Establishes an appointment process for a pool of campaign finance specific Administrative Law Judges



# 2016 Legislative Session

## SOS Priorities (continued)

- List accuracy (Tate/Ransom)
  - Aligns terminology and practice surrounding confirmation cards
  - Procedures for “no longer at this address” postal code
  - Procedures for new voter notification returned as undeliverable after 20 days
  
- Voter Choice Act (Crowder/Dore)
  - Mail ballot opt out through OLVR
  - Expansion of 24/7 drop boxes



# 2016 Legislative Session

## SOS Priorities (continued)

- Voter Registration Drives (Cooke/?)
  - Mandatory circulator training
  - Requirement that circulators explain to a prospective registrant that they should register in person if it is within 22 days of the election



# 2016 Legislative Session

## Other Possible/Pending Legislation

- Photo identification
- Municipal election night filing (Scott/Ryden)



# Preparations for 2016

- Like most of you, we started preparing for the 2016 Presidential Election cycle in 2015
- Secretary personally visited 29 counties during 2015, including all 19 counties with new Clerks and Recorders
- Next slide shows a map of the counties visited by Secretary of State in 2015







# Preparations for 2016 (continued)

- Created several public panels to review information and make recommendations:
  - Pilot Election Review Committee (PERC)
  - Election Watcher Advisory Panel (EWAP)
  - SCORE User Panel (SUP)
  - Bipartisan Election Advisory Committee (BEAC)
- Continue to work with USPS to resolve postal delivery problems
  - 22 counties reported problems in 2015 Coordinated Election, including delays in ballot delivery and ballots being sent to the wrong county

# Rulemaking

- Regulatory Framework
  - Using draft rules (sometimes called best practices/suggested best practices methodology) to inform our rulemaking process
  - Secretary Williams and the election staff review ALL comments submitted, with particular attention to submissions by county clerks
  - CDOS provides a written response to ESRC comments on the rulemaking process



# NFIB Lawsuit

- Lawsuit filed against Secretary Gessler seeks to invalidate the use of business fees to fund elections
  - \$2.5 million county payment most vulnerable
- District court ruled in favor of the Department of State
- Case is currently on appeal



# Uniform Voting System

## History of UVS

- Secretary Gessler started the Uniform Voting System initiative in 2012
- Formed two advisory bodies to review RFP responses and make a recommendation:
  - UVS Advisory Committee
  - UVS Public Participation Panel
- In 2014, both advisory bodies recommended that all RFP respondents pilot their voting systems in actual elections
- Secretary Williams elected in November 2014

# Uniform Voting System--History

- SOS established timeline February 6, 2015 (within a month of taking office) calling for selection at end of 2015 and establishing a full process
  - Process shared with all county clerks and vendors
  - Most thorough evaluation process for election system
- SOS formed the Pilot Election Review Committee (PERC)
- PERC established to implement the original recommendations of the UVS Advisory Committee and Public Participation Panel, and to evaluate the competing voting systems in actual pilot elections
- SOS consulted with CCCA leadership and selected PERC members for their diverse and broad experiences in one or more aspects of election administration

# Uniform Voting System

## Pilot Election Review Committee Members

- Chuck Broerman: El Paso County Clerk and Recorder
- Donetta Davidson: Former EAC commissioner; former Executive Director of CCCA; former Colorado SOS; former Clerk and Recorder for Arapahoe and Bent Counties
- Connie Ingmire: Former Morgan County Clerk and Recorder; former UVS Advisory Committee member
- Jennifer Levin, Esq. – Program Coordinator, Disability Law Colorado; Member, UVS Advisory Committee

# Uniform Voting System

## Pilot Election Review Committee Members (continued)

- Steve Moreno: Weld County Commissioner; Member of the Board of Directors of the Election Center; former Weld County Clerk and Recorder; former Weld County Chief Deputy Clerk
- Teak Simonton: Eagle County Clerk and Recorder
- Clarissa Thomas: Member and chairperson, UVS Public Participation Panel
- Dwight Shellman: County Support Manager, State Elections Division



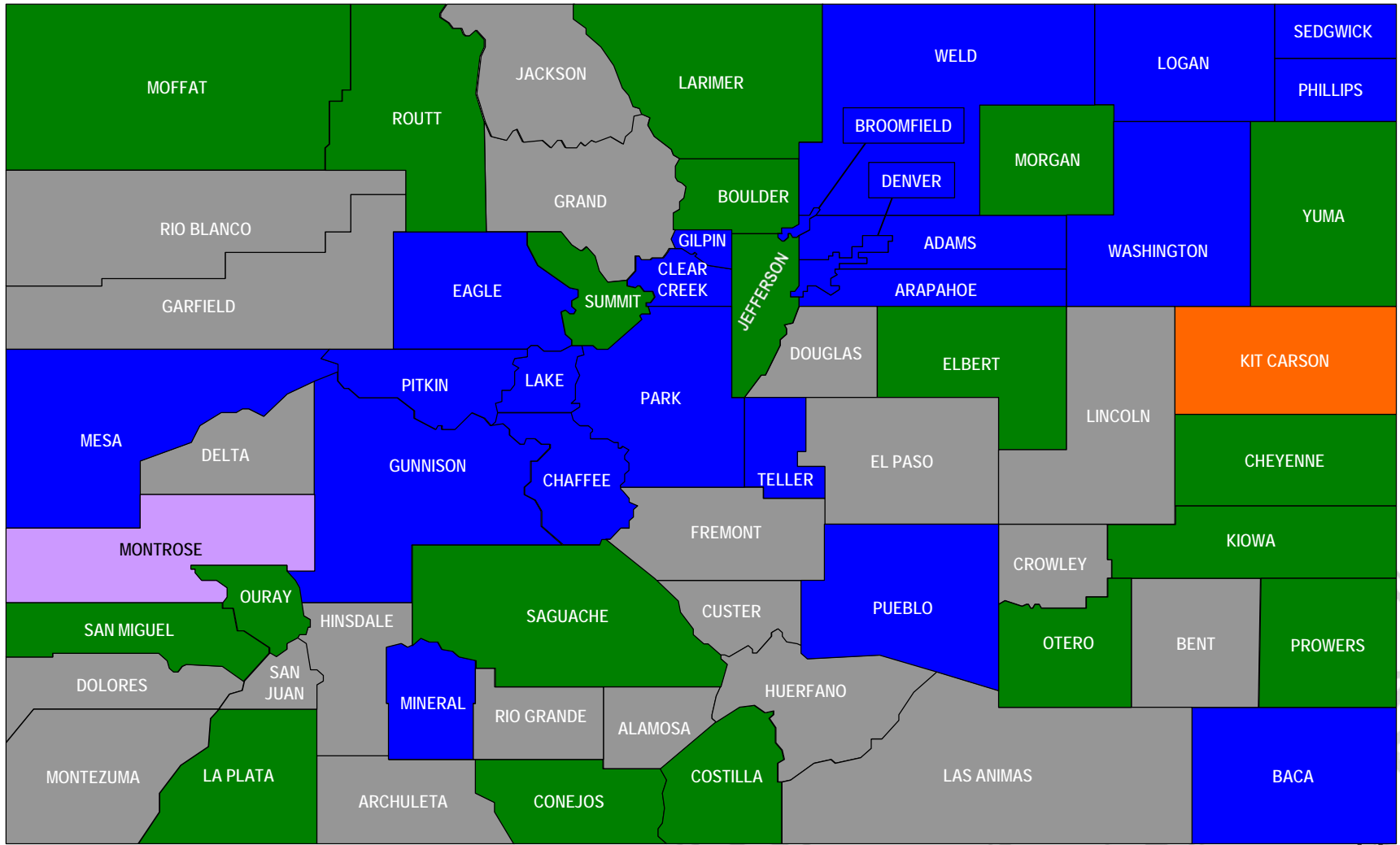
# UVS PERC Process

- 4 of 5 vendors met deadlines and initial requirements – many made significant improvements over initial RFP responses
- PERC held 18 public meetings over 10 months
- Developed evaluation materials
- Reviewed feedback from voters, election judges & county staff
- Considered submissions and presentations by pilot counties and voting system providers
- Attended system demonstrations and observed election activities in pilot counties

# UVS PERC Process – Cont'd

- At its final meeting on December 17<sup>th</sup>, PERC unanimously recommended Dominion's Democracy Suite as Colorado's uniform voting system
- SOS reviewed recommendation and tested system
- SOS announced acceptance of PERC's recommendation and stated his principal reasons in letter to Clerks and Records on December 22<sup>nd</sup>
- After the decision was announced, we surveyed all counties to determine the year in which they intend to move to the new system. The results of the survey are displayed on the next slide.

# UVS Tentative Acquisition Plans



2016 (22) ■ 2017 (19) ■ 2018 (0) ■ 2019 (1) ■ 2020 (1) ■ No plans (21) ■

# Uniform Voting System--Benefits

## Key Benefits

- Turnover//Disaster/Recall Assistance
  - SOS and Other Counties
- Voters with Disabilities
- Training / Assistance /Support
  - SOS will have the system
- Cost / Upgrade (input/included)
- Integration/compatibility with other processes and systems (e.g., ENR, RLA, BOD, UOCAVA)
- Fairness – Votes Counted Uniformly (Recount)

# Uniform Voting System--Choices

## Key County Choices

- Lease vs. Buy
- Multiple Ballot Marking Devices OR Printed Ballots OR BOD
- Quantity / Components / Services
- Individually negotiated contract
- Purchase of COTS from other sources
- Timing of Move
  - RLA more efficient with new system

# Uniform Voting System

## Certification and Testing

- Working closely with Dominion to ensure smooth transition for the 22 counties that intend to move to the new voting system before the 2016 Primary Election
- Will meet or beat our 2/15/16 deadline to complete all testing of Democracy Suite 4.21 by federally certified testing lab
- Will meet or beat our 3/1/16 deadline for certifying Democracy Suite 4.21



# Uniform Voting System

## Certification and Testing (continued)

- Collaborating with Dominion to refine implementation plan so all components can be deployed in acquiring counties by 3/15/16, with trusted build installed by 4/4/16 deadline
- Counties should be able to practice on new system during statewide mock election March 28 – April 8
- May 2<sup>nd</sup>: Ballot certification deadline
- May 14<sup>th</sup>: UOCAVA deadline

# Uniform Voting System

## Contract Negotiations

- To leverage state purchasing power, have negotiated a Memorandum of Understanding (MOU) with Dominion establishing maximum pricing, mandatory license provisions and future enhancements
- MOU is agreement in principle that will serve as basis for statewide Master Agreement, ensuring all counties can purchase or lease the voting system on favorable terms
- Master Agreement is not intended to displace a county's control over its own contracts - each county may negotiate other or more favorable terms with Dominion



# Uniform Voting System

## Contract Negotiations (continued)

- In consultation with CCCA leadership, 3 procurement specialists have been selected to review contract documents, to ensure county needs are addressed. The three county specialists are:
  - Vicky Ortega, Assistant City Attorney, Denver
  - Susan Hyatt, Purchasing Lead, Grand Junction and Mesa
  - Joyce Newberry, Purchasing Manager, Broomfield
- Plan to conclude contracts by January 31<sup>st</sup>
- Already, we've negotiated favorable terms never seen before in this state.

# Uniform Voting System

## Contract Terms

- EMS and adjudication servers/workstations priced at Dominion's actual cost plus 10%
- Counties may also purchase eligible hardware directly from their own supplier, provided they purchase the same hardware and ship it directly to Dominion for configuration
- Software pricing depends on county tier, but a county's tier will be fixed as of date it acquires the system, regardless of future growth
- Beginning in year 3, annual license and extended warranty fees may increase not more than 2% from prior year – less than Dominion's standard 5% adjustment

# Uniform Voting System

## Contract Terms (continued)

- Dominion will “buy back” (by crediting future annual licenses) the VSPC servers for tablets when they become obsolete due to enhancements in 2017
- SOS and counties can program elections for counties that do not acquire full EMS without charge
- Counties can loan equipment to one another without penalty
- Counties that acquire software in prior year will be entitled to upgrade to newest certified version without charge

# Uniform Voting System

## Effect of COTS Price Concessions

Item	"Final & Best Price"	Contract Price	% Difference
ICX Server	\$3,316	\$2,100*	\$1,216
EMS Standard Server	\$17,940	\$9,500*	\$8,440
EMS Express Server	\$4,637	\$2,200	\$2,437
Adjudication Workstation	\$3,560	\$1,030	\$2,530

\* Exact price depends on number of clients and workstations

# Uniform Voting System

## Implementation, Training, Program Management

- Moving 22 counties to a new voting system in a presidential election year is a large undertaking
- We want to ensure that each county's transition occurs smoothly
- Dominion separately itemizes fees for installation, acceptance testing, training, and program management
- We know many county budgets are extremely tight, and we want to help – so the Secretary has an announcement.....

# UVS – SOS \$ Assistance

## Implementation, Training, Program Mgmt (cont.)

- Secretary of State will pay 50% of implementation, training, and program management fees for counties that transition to new voting system in either 2016 or 2017
- Approximately **\$850,000**

# Uniform Voting System

## Implementation, Training, Program Mgmt (cont.)

- The source of this money is HAVA funds
- Election Assistance Commission has authorized this use of HAVA funds in advance
- Dwight will walk you through what this means in real terms



# Uniform Voting System

## Implementation, Training, Program Mgmt (cont.)

County Tier	Active Voters	Total Cost	SOS Share	County Share
1.1	300k+	\$121,895	\$60,948	\$60,947
1.2	200k-300k	\$78,145	\$39,073	\$39,072
1.3	100k-200k	\$35,555	\$17,778	\$17,777
1.4	25k-100k	\$24,710	\$12,355	\$12,355
2	10k-25k	\$17,924	\$8,962	\$8,962
3	0-10k	\$16,104	\$8,052	\$8,052





Questions?

