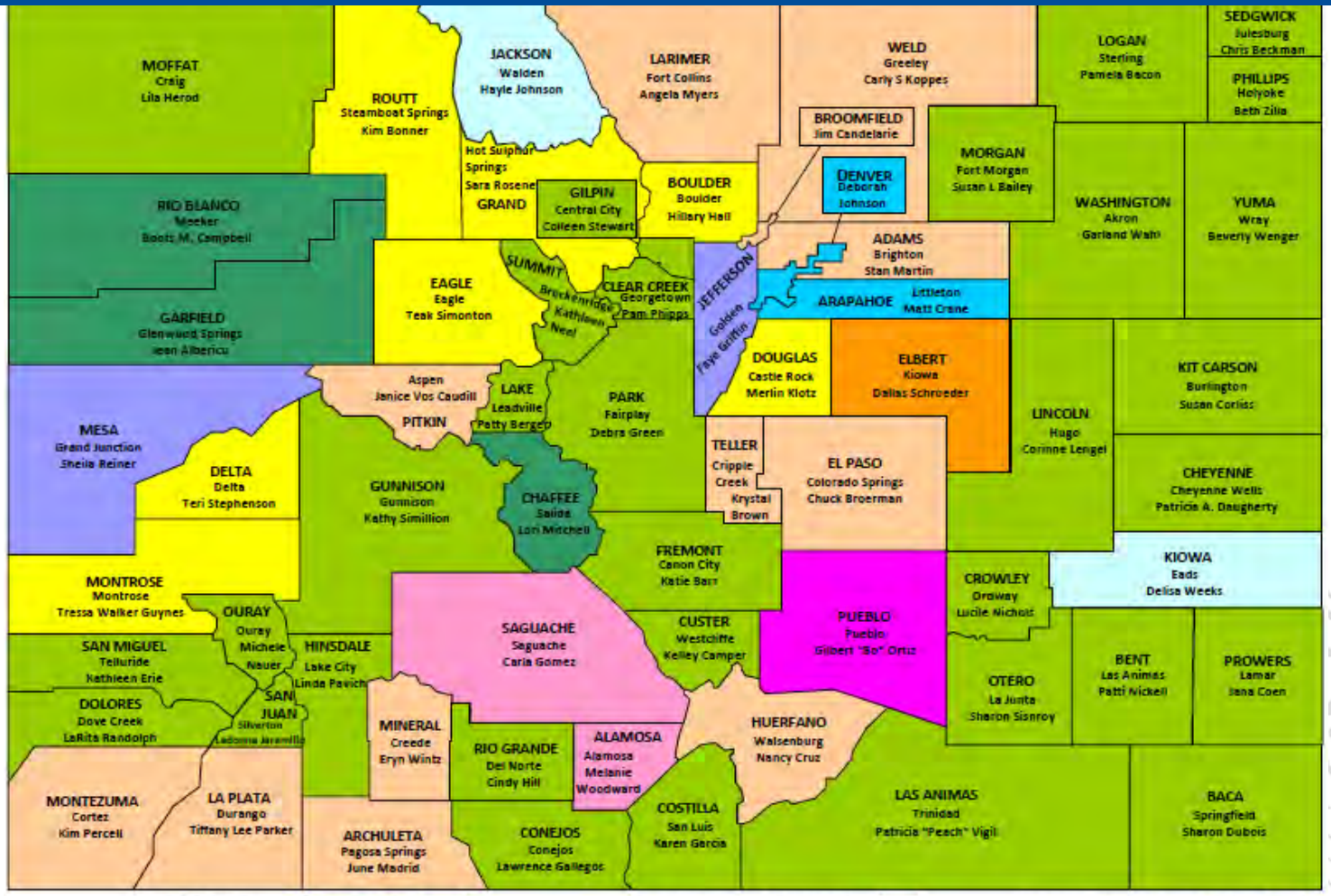
COLORADO VOTING SYSTEM

Colorado Secretary of State
Wayne Williams

Presentation to Colorado Counties, Inc.
March 10, 2016

Current Voting System Crazy Quilt



Current Voting System Crazy Quilt

- 64 counties currently conduct elections with 10 different voting system iterations from 4 separate vendors
- Counties cannot conduct elections in precisely the same way
- Counties cannot provide support to one another
  - Elbert Example
- Voters with disabilities must learn to use different accessible voting devices
- Limited ability to address failure points in real time
- Aggregating election results and data across counties is extremely difficult
- Most legacy systems ill-suited to mail ballot election model
- Two clerks recalled or resigned in response to election problems during last term

A Modernized Voting System

Efforts to Modernize the Crazy Quilt

- Existing state law gives Colorado Secretary of State the ability to decide standards for certification and approval of purchases of voting systems, CRS Sections 1-5-601 et seq.
  - In order for counties to purchase, voting systems must be certified by SOS, CRS Section 1-5-613
  - SOS authorized to provide standards for certification, CRS Section 1-5-616
  - To purchase voting systems, counties must apply for SOS approval, CRS Section 1-5-617
- Final rules adopted by SOS on February 9, 2016, and approved by Attorney General on February 25, 2016

A Modernized Voting System

Efforts to Modernize the Crazy Quilt

- Secretary Gessler started the initiative to modernize Colorado's voting systems in 2012
- Formed two advisory bodies to review RFP responses and make recommendations
- In 2014, both advisory bodies recommended that all RFP respondents pilot their voting systems in actual elections
- Secretary Williams elected in November 2014, and began implementing advisory bodies' recommendations

A Modernized Voting System

Efforts to Modernize the Crazy Quilt (continued)

- Established timeline on February 6, 2015 (within a month of taking office) calling for selection at end of 2015 and establishing a full process
- Formed the Pilot Election Review Committee [PERC] to evaluate the competing voting systems in actual pilot elections
- Consulted with CCCA and CCI leadership and selected PERC members for their diverse and broad experiences in one or more aspects of election administration

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Pilot Election Review Committee: 8 Members

- Donetta Davidson: Executive Director of CCCA; former Clerk and Recorder for Bent and Arapahoe Counties; former EAC commissioner; former Colorado SOS
- Connie Ingmire: Former Morgan County Clerk and Recorder; former UVS Advisory Committee member
- Chuck Broerman: El Paso County Clerk and Recorder
- Teak Simonton: Eagle County Clerk and Recorder

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Pilot Election Review Committee: Members (continued)

- Jennifer Levin, Esq. – Program Coordinator, Disability Law Colorado; Member, UVS Advisory Committee
- 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
- Clarissa Thomas: Member and chairperson, UVS Public Participation Panel
- Dwight Shellman: County Support Manager, State Elections Division

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Pilot Election Review Committee: 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

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Pilot Election Review Committee: Process (continued)

- At final meeting on December 17th, PERC unanimously recommended Dominion's Democracy Suite as Colorado's voting system
- SOS announced acceptance of PERC's recommendation and stated his principal reasons in letter to Clerks and Recorders on December 22nd

CCCA Letter of March 9, 2016

- "This process has been a **thorough, inclusive, and constructive process** that has garnered national praise as a model for other states that need to address replacement of voting systems."
- "The CCCA is appreciative of the significant work that the pilot election counties, PERC committee, the Secretary of State's office, and voting system providers have put in over the last several years to investigate the best options for moving into the future of voting systems."
- "This multi-year process is a continuation of pragmatic and collaborative efforts to move our state forward responsibly, and combined with reform, it has greatly reduced the overall cost of voting system replacement for our taxpayers."
- "[C]ounties are not required to immediately purchase and implement the newly selected voting system and may continue to utilize their current systems, as practicable and afforded by the local jurisdictions; yet, the state will also be well-prepared for those that urgently need to proceed in a very important election year. The CCCA is fully committed to working with you to ensure the counties are successful in implementing the new system for the voters."

A Modernized Voting System

Key Benefits of a Modernized Voting System

- Voters with Disabilities
- Training / Assistance /Support
  - SOS will have the system
- Cost / Upgrade (input/included)
- Integration/compatibility with other processes and systems (e.g., Election Night Reporting [ENR], Risk Limiting Audit [RLA] mandatory in 2017, Ballot on Demand Printers [BOD], Uniformed and Overseas Citizens Absentee Voting Act [UOCAVA])
- Fairness – Votes Counted Uniformly (Recount)

A Modernized Voting System

Key Benefits of a Modernized Voting System

- Direct Assistance in the event of Turnover/Disaster/Recall
  - Equipment may be borrowed/loaned as needed
  - SOS and other counties can provide personnel assistance
    - Staff are trained and can seamlessly step in
    - During 2013 recall elections, Douglas and Arapahoe Counties both sent full time elections staff to assist in El Paso County Recall Election on SCORE, the uniform voter registration system
    - When Elbert County experienced complete turnover of elections staff, both Douglas and El Paso Counties provided assistance, but could not assist with voting system

Recall Risks

- Constitution (art XXI, § 3, permits replacement candidates to file "15 days before such recall election"
  - Review signatures in 1 day for initial determination
  - Legal challenge may be filed up to 5 calendar days later (1-4-909 and 1-1-113)
  - If decision is next day, 8 days to election day
  - 3 days to appeal
  - If decision is next day, 4 days to election day
- Post Office says first class mail takes 2-5 business days, so assuming preprinting of 2 sets of ballots, they can be mailed as required by law, but ballots would not arrive for many voters until after election day, so….
- Counties must have ability to handle majority of voters choosing to vote in person – ability to obtain additional equipment is critical

A Modernized Voting System

Retains County Flexibility and Choices

- Whether to move to new system at all
- Lease vs. Buy
- Multiple Ballot Marking Devices OR Printed Ballots OR Ballot on Demand
- Quantity / Components / Services
- Individually negotiated contract
- Major components are commercial off the shelf [COTS]; Counties may purchase COTS components from any source
- Timing of Move
  - RLA more efficient with new system
  - Jefferson County request for temporary use (12 months) under 1-5-619
  - Matching funds from SOS limited to 2016 or 2017
- Final rulemaking permits other vendors to meet requirements and seek certification and counties to seek SOS approval for purchase

A Modernized Voting System

Confidence in the New Voting System

- Unanimously recommended by Pilot Election Review Committee
- Virtually identical version of voting system has been used in four actual Colorado elections, successfully and without incident:
  - Denver 2015 Municipal Election (101,989 ballots cast)
  - Denver 2015 Runoff Election (29,231 ballots cast)
  - Denver 2015 Coordinated Election (124,119 ballots cast)
  - Mesa County 2015 Coordinated Election (29,335 ballots cast)

A Modernized Voting System

Confidence in the New Voting System (continued)

- Same system tested by federally accredited voting systems testing laboratory according to test plan approved by SOS on January 15, 2016
- Testing lab issued test results report on February 26, 2016, confirming that system is accurate, secure, and compliant with applicable federal and state requirements
- Secretary of State certified voting system for use in Colorado on March 1, 2016
- Counties may now lawfully purchase or lease the voting system

Master Voting System Agreement

- To leverage state purchasing power, Department of State entered into Master Voting Systems Agreement with Dominion Voting Systems on February 17, 2016
- In consultation with CCCA leadership, 3 county procurement specialists were selected to ensure county needs were addressed.
- Master Agreement requires Dominion to offer to sell or lease voting system on the same favorable terms throughout Colorado
- Master Agreement does not displace each county's inherent authority to control its contracts - each county may negotiate other or more favorable terms with Dominion

Master Voting Systems Agreement

Principal Terms:

- Most COTS hardware priced at Dominion's actual cost plus 10%
- Counties may also purchase most 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

Master Voting Systems Agreement

Principal Terms (continued)

- Dominion will "buy back" (by crediting future annual licenses) the Voter Service and Polling Center [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 Election Management System [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

Master Voting Systems Agreement

Effect of COTS Price Concessions

Item	"Final & Best Price"	Contract Price	$ Saved
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

State Has Skin in the Game

Implementation, Training, Program Management

- We know many county budgets are extremely tight
- Secretary of State will pay 50% of implementation, training, and program management fees for counties that transition to Dominion voting system in either 2016 or 2017
  - Allows counties to decide whether to avoid moving in presidential election year
  - Categorization avoids need for subsequent time-consuming federal audits
- State's contribution may be as much as **$850,000**

State Has Skin in the Game

Implementation, Training, Program Mgmt (cont.)

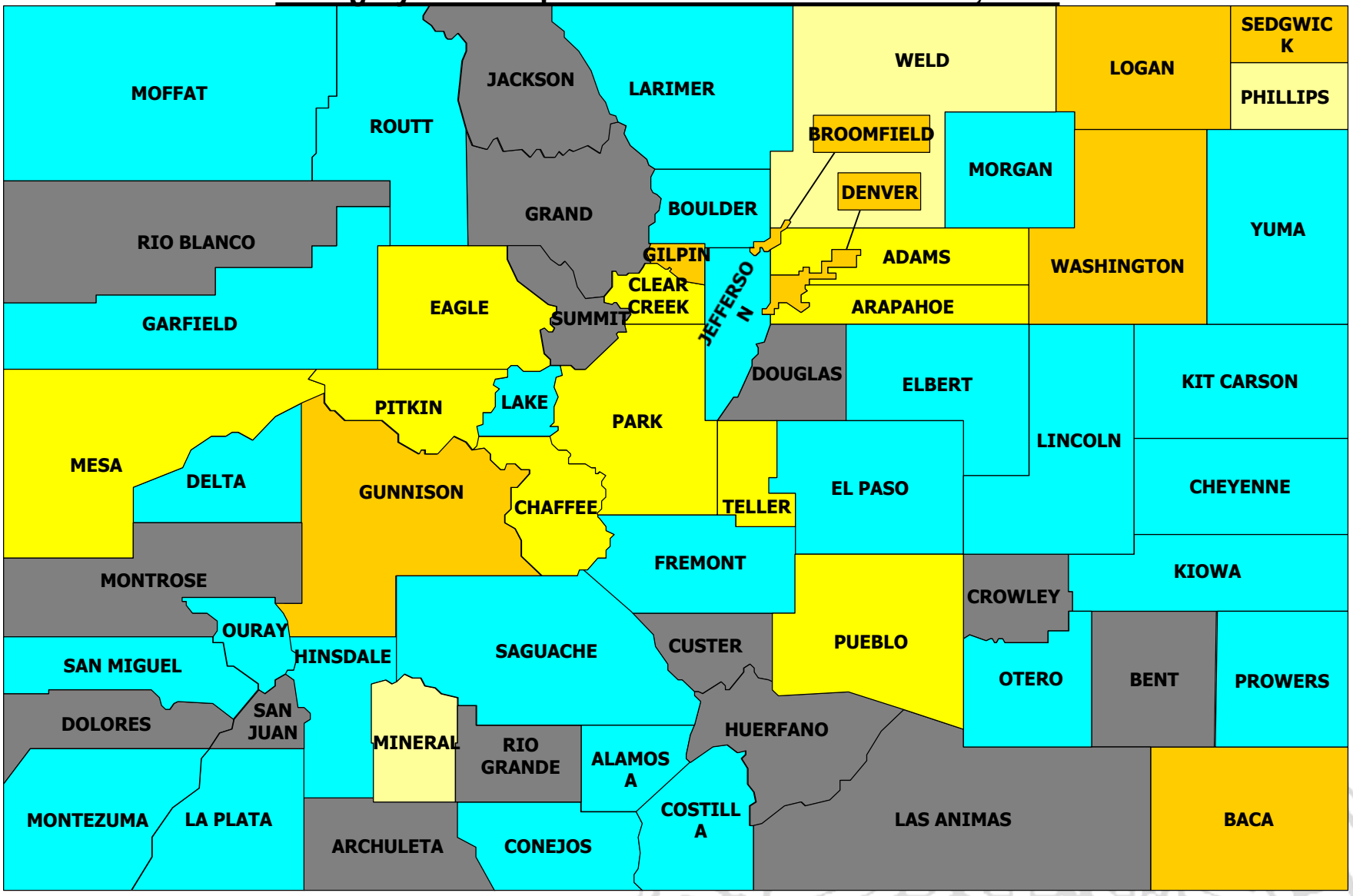
County Tier	Active Voters	Total Cost	SOS Share	County Share
1.1	300k+	$121,895	$60,948	$60,947
1.2	200k-300k	$78,145	$39,073	$39,072
1.3	100k-200k	$35,555	$17,778	$17,777
1.4	25k-100k	$24,710	$12,355	$12,355
2	10k-25k	$17,924	$8,962	$8,962
3	0-10k	$16,104	$8,052	$8,052

Moving in a Presidential Year

Implementation, Training, Program Management

- Moving 21 counties to a new voting system in a presidential election year is a large undertaking
- Want to ensure that each county's transition occurs smoothly
- New systems are already ordered for each county (vendor pre-shipped) who indicated move in 2016
- Presidential Election will NOT be the first election run
  - Mock Election
  - June Primary Election
  - Additional steps if necessary
  - Presidential Election

Voting System Acquisition Status as of March 10, 2016



2016 BOCC Approved (8) 411,129 Active (14%)

2016 BOCC Agenda (10) 774,665 Active (27%)

2016 Quote Pending (3) 142,035 Active (5%)

2017 Tentative (28) 1,304,561 Active (45%)

Post 2017/No Current Plans (15) 279,237 Active (10%)

Questions?