

To: Members, Pennsylvania House of Representatives, State Government Committee
From: Pam Anderson, President, Consilium Colorado, Panelist
Date: March 16, 2021
RE: Written Testimony-Pennsylvania Election Hearing on Mail Ballot and Absentee Best Practices

Honorable State Government Committee Members,

My name is Pam Anderson, I am the President of Consilium Colorado, LLC. and an expert in elections policy, administration, and leadership. I am a former election official. I was elected the Wheat Ridge city clerk, a non-partisan office, and then elected as the Republican Clerk and Recorder for Jefferson County, Colorado. Wheat Ridge was a medium-sized city of approximately 21,000 active voters and Jefferson County was a large geographic county of approximately 400,000 voters that borders Denver to the west. It has urban/suburban districts and rural mountain precincts. It is politically diverse, that typically mirrors the political make-up of statewide voter registration. When I represented the county, we were roughly 1/3 Republican, 1/3 Democratic, and 1/3 unaffiliated voters. Jefferson County had the most active voting population as well as then highest proportion of absentee/mail ballot voters.

After serving eight years as the clerk and recorder, I started my own small business consulting in elections, non-profit management, leadership, and government relations. I was the executive director of the Colorado County Clerks Association for five and half years. I work with local and state governments on elections policy and administration improvements. I also work with elections-focused federal agencies, and technical and elections-focused foundations/non-profits.

EXECUTIVE SUMMARY

My written testimony will provide detail on the Colorado election model that evolved over time. While the details will be primarily about Colorado mail and absentee process and tools an election is an ecosystem. There is no element or tool that can be evaluated in isolation as the technologies, human processes, and best practices interact together to provide the balance of voter-centric access, security, and efficiency.

- Colorado model was evolved through a collaboration between legislature & local election officials.
- Voters can securely be provided options in voter registration and voting options with efficiency and transparency.

- Robust and modernized voter registration database and election management is vital for election operations, including absentee/mail ballot.
 - Participation by local election officials in functionality, development, upgrade, and maintenance of those systems is important.

- Colorado Voting Options
 - Mail ballot is sent to all active eligible voters.
 - Vote centers are available for full services for voters from 1 -2 weeks through Election Day.
 - Voters can choose method of voting and ballot return, including hundreds of drop boxes across the state.
 - Military/overseas voters, and voters with disabilities have options for electronic ballot delivery.

- Paper Ballot Accounting & Audits
 - In person and mail ballots are paper ballots and are centrally counted in Colorado.
 - Best practices in ballot batch accounting and reconciliation are important and can support more efficient easier audit processes.

- Standardization & Training
 - Standardizing various election processes and training generally in statute, and more specifically under SOS rule/guidance when practicable is beneficial for voters and election officials.
 - Standardization can allow for thoughtful differences in population density (urban vs. rural), resources, and space.
 - Investment is vital for ongoing training development and is important at the state and local level. Certification programs can positively contribute to staff development in the election professional marketplace.

THE COLORADO MODEL

State Authority & Structure

Colorado federal, state, and coordinated elections are legally provided in the Colorado Constitution and [Colorado Revised Statutes](#) under Title 1. The Colorado General Assembly can set statute or refer a constitutional or statutory measure to voters. Citizens can also initiate constitutional or statutory provisions for voter consideration.

The Colorado Secretary of State (SOS) is a partisan elected statewide executive office that is the chief regulatory authority that oversees federal and statewide elections. The Secretary of State is the chief administrator of the Colorado Department of State (CDOS). The SOS has rule-making authority and significantly promulgates rules and regulations that statute outlines. The rulemaking is public and follows the administrative procedures act. This provides some welcome consistency, when practicable. The county clerks participate in rule draft review and comment when invited by the SOS, which is frequently, if not always. This allows for front-line administrators to give feedback on voter impacts, timelines, etc.

The elections are conducted and administered by the county Clerk and Recorder who is accountable for the election. Sixty-three (63) county clerks and recorders are elected and one (1) is appointed by the City and County of Broomfield. They are elected for 4-year terms and may be subject to term limits, as local control dictates. I would describe 12 counties as large (urban/suburban) jurisdictions with 52 counties as smaller (rural) jurisdictions. Many of the rural jurisdictions have eliminated term limits. I have enjoyed this structure for its simplicity, reduced bureaucracy, and electoral accountability. As an election official, the buck stopped with me as the C.E.O. of the department.

For partisan elections, the county parties provide a list of election judges that are assigned for election duties as poll workers and ballot process workers. All processes are conducted by bi-partisan teams assigned by the county clerk from the lists provided by the parties. Unaffiliated and minor party members may also be appointed by the county clerk and are utilized in jurisdictions where the parties do not provide sufficient resources.

Legislative History

Colorado has a long history of no-excuse absentee and all-mail ballot elections. Colorado voters were able to request an absentee ballot annually for all federal and state elections since the early 20th century. In 1993, after a statewide initiative requiring voters to approve any tax increases (Taxpayer's Bill of Rights-TABOR), the constitution provided for all mail elections in odd-year taxing elections. This was to provide for the most access and availability for citizens to participate in voting on local and state taxes. Jefferson County coordinated these all-mail ballot elections for all active voters starting in 1993. It became a popular and efficient election model for these elections and likely increased turnout for otherwise low turnout elections. Beginning in 2006, the Colorado General Assembly, encouraged by the Colorado County Clerks Association began a series of election reforms. These included vote centers (2006), permanent absentee

(2007), mail ballot primary elections (2010), a series of registration maintenance improvements (2010-2014) including a founding state member of the Electronic Registration Information Center (ERIC), and improved paper ballot audits, such as statewide risk-limiting audits (2011-2017).

Elections are a complicated ecosystem of legal, technological, and human processes. The absentee/mail ballot process relies on many components to implement the resources and best practices for voters that balance the values of accessibility, integrity, verifiability, and transparency.

Voter Registration Database and Tools

All election processes begin with the voters and registration. Colorado implemented a statewide registration database (SCORE) in 2008 administered and housed at the Colorado Department of State. The county clerks register, verify, and process the voter requests. The SCORE system also has an election/ballot management system. I cannot understate the importance of the functional design of this database and its impact not only for registration, but the functionality to provide ballot inventory tracking and issuance for individual voters *across the state* in a live environment (electronic poll book). This evolved to provide the ability to update registrations and issue ballots to voters both in person and by mail, live-linked, statewide. The technology and security in the system enabled Colorado to implement secure and more efficient methods of registration and voting including online voter registration, same-day registration, more secure vote centers, ballot replacement, ballot accounting, and canvassing.

Participation in the ERIC project and robust list maintenance is the basis for more accurate and secure voter lists, but also provides cost savings resulting in fewer provisional ballots, undeliverable ballots, and ballot replacement. In Colorado, we automatically update a voter's address or registration status utilizing integration with motor voter and drivers' licenses, National Change of Address (NCOA), Department of Corrections, Vital Records (deaths), and other government databases across the country.

Online Voter Registration

Voters can register, affiliate, and/or update their address through our statewide online portal for the database. Voters must provide a Colorado drivers' license or identification number to access the system. Paper registration is also available. In the past, this was the absentee request system as well. Voter registration drives (VRDs) are conducted by political parties and advocacy organizations that register voters. They are required to undergo training and are assigned an identification number so that paper registration forms can be tracked.

Mail Ballot Database Functionality

The SCORE system receives *daily* data exchanges to update voter records with motor voter (DL) updates. These updates are reviewed and processed by the counties. The SCORE system imports

all signatures for voters with drivers' licenses/IDs. County clerks also import and retain all signatures from voter registration forms, ballot envelopes or other correspondence in the database. This provides a growing library of signature references to compare for signature verification of ballots, which is discussed below. In addition, the ballot management system provides for tracking ballot inventory, ballot issuance (original and replacements), ballot receipt, and disposition. The SCORE system prevents election officials from receiving or issuing a second ballot for an election if a ballot has already been received and counted. This functionality is key for integrity as well as accounting and reconciliation of the ballots (canvass). The system provides ballot management reports important in tracking and accounting for ballots.

Ballot Tracking

Election participation is public in Colorado. The Secretary of State and local election officials provide public participation reports of ballots that are issued and returned (in person or by mail). Interested parties use these reports for GOTV campaigns and tracking as well as more efficient voter communication. Election officials use these reports to track trends for early voting and mail ballot processing to give better data on vote center resources and mail ballot processing staffing needs and projections.

The large and medium-sized counties have provided ballot tracking for voters for many years. This year, with CARES funding, the Department of State provided ballot tracking for voters across the state, including our rural voters. This is an extremely popular program and provides a lot of voter confidence in the system on empowering voters to know when their ballot is mailed and when the returned ballot is processed and counted.

Mail Ballot Process and Best Practices

For federal, state, primary, and coordinated odd-year tax elections all *active* voters automatically are mailed a ballot. Inactive voters are voters that we have received evidence that their address is incorrect. Election plans, security plans, and contingency plans including vote center and drop box locations, days and hours are submitted to and reviewed by the secretary of state in advance. These are public documents. Public comment is solicited and reviewed for siting of election locations by the county clerk.

Ballot Mailing and Return

State statute requires ballots to enter the USPS mail stream in a window 18-22 days prior to Election Day. This is helpful because voter communication is consistent statewide. In addition, as discussed above, voters can track their ballots. Most counties utilize intelligent mail bar codes (IMB) for the most robust tracking ability.

Ballot envelopes

County clerks work with their print vendor and the USPS www.electionmail.org on outgoing ballot packets. Colorado statute requires a dated specific voter affidavit (signature) on the return envelope, voter instructions and the anonymous ballot (precinct specific). The return envelope is labeled or over sprayed with name and address of the voter as well as a ballot ID number (and barcode) to enable efficient processing on the return. The ballot is verified and checked into the database, and the system does not allow a second ballot to be received from a voter. This envelope information allows the county clerk to identify if it is the original or replacement ballot. State statute provides that the first ballot back is the one that is received and counted. Any voter that intentionally returns more than one ballot for counting is referred to the district attorney for investigation. Any second ballot is set aside and retained unopened.

Besides these provisions, ballot packet/design is not proscribed by statute but is submitted and approved by the Department of State per SOS rule. This allows for flexibility, industry and professional innovation, and adaptability. Best practices, samples, and training by the Colorado County Clerks Association (CCCA) provide a lot of consistency in updated envelope and ballot design. The CCCA brings in experts, such as [Center for Civic Design](#) to train and inform local election officials. The SOS has also utilized their expertise as well for forms and materials. Generic ballot envelope stock can be used in multiple elections if using labels and overspray and does not specify an election.

Ballot Return

Colorado is a ballot-in-hand state. The county clerk must receive a voter's ballot by close of polls (7:00 p.m.) on Election Day. State statute provides for county clerks to receive until 8 days after election day UOCAVA (military/overseas voters) ballots voted by Election Day.

Colorado does not require return paid postage but does provide hundreds of drop boxes across the state (see more on drop boxes below). There is a statutory deadline for county clerks to mail a ballot (8 days before Election Day) so that voters have time to receive, vote, and return a ballot. Election officials and voter outreach instruct voters not to mail a ballot back after a week before election day and do a great deal of voter education on drop boxes. County clerks receive an extremely small number of ballots after close of polls. Over 75% of voters choose to drop off their ballots rather than return by mail. Typically, over one-third drop off their ballot on Election Day for the Election Day experience.

In Colorado, we also provide in-person vote centers statewide which is an important voter choice. A voter can choose any location within their county. A voter is not penalized for choosing not to vote and mail their mail ballot and can be issued a regular in-person ballot without voting a provisional due to our statewide e-pollbook capabilities. Approximately 5-7% of voters choose the in-person voting option. A voter is provided full services in the vote centers starting one week (primary and coordinated elections) and two weeks (General/Presidential) prior to Election Day. These services include:

- In-person, accessible voting. Ballot marking devices or paper ballots
- New voter registration (SDR) and registration updates
- Mail ballot issued (carry-out) and replacements
- Mail ballot drop-off

The *minimum* number of vote centers per county is set in statute (a county can provide more if needed) and is scaled by number of active voters in tiers. The days and what services a voter center provide is also statutory. Colorado has extremely low numbers of early voting in person until Election Day. Most voters choose to vote early by mail ballot.

Colorado only issues a few thousand provisional ballots across the state in a large election. This is because we can see statewide in real time if a voter has voted and update their record to give them an eligible ballot for their current address in the county. If a voter were to attempt to go to another location and vote again, they could not be issued a ballot and would be required to vote provisionally. This has been extremely popular because a voter knows their ballot will count, it is secure, and it is much less costly to process.

Ballot Access for UOCAVA and Disability voting

Colorado also provides remote electronic ballot access for military overseas and any voter with a disability. Voters can vote and print and return their ballot. UOCAVA can return their ballot electronically if they prefer. This system can also provide emergency voting services.

Drop Boxes

Colorado law provides for a required minimum number of secure 24-hour drop boxes in each county. This is tiered by the size of the county, like vote centers. SOS rule specifies the definition of security and how the ballots are collected. There are additional staffed drop boxes in each vote center, and county clerks can add drop boxes as voter services or demand increases.

The staffed drop boxes must be monitored by two bi-partisan election workers. The boxes are secured with security seals and maintained with chain of custody logs. This also applies to any ballot transfer case/box. A box can only be opened and documented/signed in the log by the bipartisan teams. Every 24-hour box must be under video surveillance proscribed by SOS rule and the video data maintained as an election record. The ballots are collected regularly (at least once a day) under strict written chain of custody procedures by bi-partisan teams in one vehicle and brought back to a central processing center for accounting and processing. There is no counting of envelopes in the field for security reasons. (Note: remember that voter-enabled ballot tracking provides transparency for voters to make sure their ballot was received and processed). A great best practice resource for drop boxes and collection is provided by [The Elections Group](#). Drop boxes are extremely popular and efficient for voters and Colorado has seen very few concerns or issues with them over the years, and none that have impacted the outcome of an election. However, the security is an important implementation. My county has

had a 24-hour drop box for more than 25 years. The election integrity and security are in the ballot envelope and signature verification, as will be described below.

Mail/Absentee Processing

Colorado state law allows for ballots to be processed beginning 15 days before Election Day. The following processes can be done in advance of polls closing:

- Ballot receiving
- Signature verification
- Ballot opening
- Ballot scanning

Important- tabulation of results (totals) cannot be processed or released until close of polls.

Mail/absentee ballots take longer to process because they go through a higher threshold of verification. Processing throughout the voting period gives election officials and voters an opportunity to know that their ballot was received and does not have any issues that could interfere with their vote. Any system problems can be identified early and, in many cases, corrected.

Processing during the voting period allows for efficient and accurate election night results reporting. In Colorado, 60-70% of the results are reported shortly after close of polls and reflect more accurately the early returns. By delaying processing, participation trends in results are skewed and less reflective of participation trends over a voting period. Our statewide live linked system provides the security needed on ballot accounting and participation reports provide transparency.

I would also note that we process early in-person ballots daily, and balance and account for our vote centers daily.

Signature Verification

All mail ballots are process and verified through a signature verification. This is an important integrity measure and has proved to be more effective than requiring a lot of information on an envelope. Signature verification is required by statute, and there are extremely important SOS rules that outline consistent procedures across the state. Colorado permits a certain amount of automatic signature verification (software verification) and manual verification. For manual verification, there is a published guide that counties use in both their training and procedure. This was developed in collaboration between the SOS and the Colorado County Clerks Association from established and tested practices. Our registration database (SCORE) scans and saves signature examples for each voter from drivers' license/ID, registration/absentee request forms, ballot envelopes from all elections a voter participates in. The manual process is conducted by the verification boards (election judges) that are specifically trained. All rejected

ballots are reviewed by two election judges of different parties and they must agree it does not match. Over time, having multiple signature references to review by these teams is beneficial to examine signature consistency or to identify valid changes in signatures over time, for example due to physical/medical conditions, or change prompted by age.

Cure

Colorado law require if a voter's ballot is rejected for any reason, that they have an opportunity to cure the issue(s). If a voter has a mismatched or missing signature, or a first-time voter needs to provide a required copy of their acceptable form of registration identification, the county clerk sends a letter and email (if provided) to the voter. The letter provides the notification and the process for cure. Colorado makes this extremely accessible for voters to do with an affidavit and copy of an ID. This can be submitted electronically. The deadline to cure a ballot is 8 days after Election Day. The list of voters eligible to cure their ballot is public.

Colorado rejects on average 0.3% to 1% of ballots per election. These ballots are batched and set aside and maintained as an election record. If a voter does not respond to the cure letter, each ballot envelope is reviewed and investigated. Most commonly, the reasons a voter's ballot is rejected are the voter has moved, it is mistakenly signed by a spouse or family member, or the voter did not take care with the signature. For example, they are signing their ballot in a hurry and chose not to cure. I would note that robust registration list maintenance as described above is vital to secure mail ballot processes and increases efficiency. It reduces outdated addresses and maintaining correspondence and signature references.

Operational Audits of Signature Verification

One administrative best practice that I recommend is auditing your signature verification throughout an election, if practicable. Colorado law requires the equipment/software that verifies signatures is audited. As an election official, I also audited the manual judge process. This was a random statistically valid sampling each election to monitor how the process is going both by individual judges, but also to give us indications if additional training was needed or if the officials were experiencing any fatigue. It also provided data on any improvements that should be considered, effectiveness of the signature verification process, and ultimately gave me confidence as an election official in the integrity of Colorado's mail ballot model. The data demonstrated that the training was effective, and the judges did an exceptionally good job.

Ballot Opening

Voter anonymity is an important value. Colorado law eliminated the requirement to provide a secrecy sleeve in the ballot packet. Colorado never required a sleeve or internal envelope within the return envelope for the disposition of the voter's ballot. The ballot instructions folded can provide a secrecy sleeve, if the voter prefers, but our opening process provides voter anonymity. Large jurisdictions may use extractors to remove the ballot from the return envelope. There is also a manual process with 2-3 election workers/judges that provides that no single person views an unfolded ballot and envelope with voter information.

Ballot Accounting and Reconciliation

With a return to paper ballots (either in person or mail), came best practices in accounting for ballots more precisely. An election is essentially an accounting project. Colorado has developed ballot accounting procedures (ballot batch logs, participation reports, scanning manifests), that batch ballots in relatively small batches (100-200) and create a batching and accounting process to ensure that officials can reconcile the ballots received, to the ballots scanned, and canvass to the voters that participated.

This procedure applies to mail and in-person ballots. Election officials often reconcile throughout an election. Robust reporting tools from the ballot management systems as well effective logs and tracking are vital.

Colorado reconciles and canvasses the election with public boards appointed by the parties in an open public meeting to evaluate the reconciliation certify the election as defined in state law. The accounting best practices developed have enabled election officials to audit prior to certification, and balance their election effectively, often to the ballot. This also provides for the ability to describe any issues that arise to the public canvass board in a detailed a precise manner.

This accounting and reconciliation provided a smooth transition to our risk limiting audit implementation. As Colorado centrally counts all ballots (no precinct tabulation) we are able to validate that the tabulation of the paper ballots was accurate to specific ballots in specific batches and give us a statistically valid level of confidence that the outcome was correct. If there are discrepancies, we escalate to more sampling or a full hand count.

Transparency

Election observers

As a competitive state, Colorado has a long and robust history of election observation. Colorado law provides for the appointment by interested parties of election observers, called watchers. The observers must be electors in Colorado but can observe across the state. By SOS rule, observers must be trained by the interested parties and the training is reviewed by the state. The list of observers is provided to the county clerk by the interested parties, certified as registered voters, and issued a certificate. They sign a sworn affidavit and are responsible for following all laws and rules. Observers cannot interfere with the process or interact with poll workers, voters, or election workers, but county clerks can assign a supervisor or staff person to respond to any observer inquiries. This is a best practice, as we often recommend that the county clerk provide a tour or description of the process in addition to the training the parties may provide to make sure that the observers have some working knowledge of administration.

Tours and Education/outreach

Most election officials give tours and provide materials to parties, civic organizations, media, etc. to provide operational information in advance. This also includes ballot processing information, election results, and availability of public information.

Public/open meetings

In Colorado, the pre-election audits and logic and testing, including equipment certification are public and open meetings and posted accordingly. The post-election audit, and canvass board meeting is also a public open meeting. The public boards that hold these meetings are appointed by the election stakeholders, but the election official is a member of the board and administers the process.

Open Records

Most election records, including ballots, are public record with few exceptions. Records with personally identifying information (PII) as outlined by statute are exempt or redacted. Colorado elections are designed to be independently verifiable through the public boards and records.

Training

HAVA training

Colorado law required county clerks to be state-certified election officials. The Colorado Department of State develops a curriculum of courses and provides training. The certification panel includes county clerks. The state works collaboratively with the Colorado county clerks association to provide in person training at their regional meetings and there is online training available as well. County clerks also may certify election staff.

Colorado County Clerks Association

Colorado has a robust clerks association that provides training via two statewide conferences, and regional meetings, best practices development and committee work. County clerks and staff from jurisdictions are generous in their participation and volunteer resources and take time to collaborate professionally. Election administration is apolitical, and the association focuses on the professional administration of elections. This provides support that pays attention to differences in jurisdiction size, available technology, resources, and staff. The association works with the Secretaries of State of both parties in drafting rules or supporting best practices committees. The association also participates in advocacy at the legislature in developing election laws that are voter centric, efficient, and funded effectively at the local level.

I strongly believe that consistent professional training and consistent best practices for election officials is so important. Providing the resources to develop and implement the best practices for the public industry is key to successful elections now and into the future.

Conclusion

Colorado has been among the top five states for registration and turnout of voters in the country, election after election. Historically, vote method has not benefitted one party over another. The outcomes reflect both registration and participation and is diverse from the top of the ballot to the state and local referenda and initiatives. Colorado voters are independent and value choosing their experience. Vote method has not impacted outcomes in a partisan way, but I do believe the choices we provide contributes to ease of participation and access to constitutional rights. Colorado is an extremely competitive and robust electoral environment. This has driven the reforms and implementation of best practices in elections, as well as pragmatism. We have followed our voters with a commitment to voter services, integrity, verifiability, and efficiency. Election officials are never finished with improving the process for voters, and they continue to stay focused on providing a safe, innovative, and accurate voting experience. They are my heroes.

Thank you for your interest and commitment to your citizens.

Pam Anderson