



Clerk and Recorder

1750 33rd Street • Boulder, Colorado 80301 • Internet address: county.clerk@co.boulder.co.us

Linda N. Salas, County Clerk • Nancy Jo Wurl, Chief Deputy

Why are we recommending purchasing a paper-based voting system at this point?

There is uncertainty in the market for electronic voting systems, known as direct record electronic or DRE systems. They are generally thought of as "touch screen" systems, operating similar to an ATM, but some also operating by a wheel and button mechanism. Their chief characteristic is that they store votes electronically; there is generally no paper record. If there is, under Colorado law it can't be used to verify a vote in the case of a recount.

This lack of verifiability creates issues of voter confidence: How do voters know their vote has been counted? Reacting to that market change, DRE manufacturers are beginning to provide solutions that allow voters to verify that their votes have been cast. These solutions, however, are still in their infancy.

Adding to the uncertainty is that disability and security standards for DREs are at least a couple of years from being promulgated. The disability standards are important because DREs are viewed as the chief solution to the federal mandate to allow disabled voters the ability to cast their votes unassisted.

Because of this uncertainty, the Clerk's office decided in December 2003 to postpone any decision on purchasing DRE's to replace the county's old voting system. However, Boulder County was always going to have to purchase a paper-based voting system as a component of its overall voting system to handle an estimated twenty to thirty thousand expected absentee votes. The Clerk's office is simply recommending continuing with the purchase of that paper-based portion of the voting system equation.

Why were we looking at DRE's at all?

Boulder County must replace its current DataVote voting system for two compelling reasons. The system is 28 years old and the counters have begun failing at random. We are not confident in the ability of the system any more. The other reason is that federal law will make punch card systems such as DataVote illegal in 2006. The original deadline was this month, but the Secretary of State's office requested a two-year extension of the deadline.

As mentioned above, DRE's are viewed as a solution to the federal mandate to provide disabled voters with the opportunity to vote unassisted. They are currently the approach most favored by the disability community, and in the future Boulder County still faces a mandate to allow disabled voters the opportunity to vote unassisted. Paper based solutions such as optical scanning systems have been challenged successfully in federal court by disabled voters as not complying with the Help America Vote Act.

Longmont Annex
529 Coffman, Suite 110
Longmont, CO 80501
303 413-7710

Elections Division
1750 33rd Street, Suite 200
Boulder, CO 80301-2546
303 413-7740

Motor Vehicle Division
1750 33rd Street, Suite 100
Boulder, CO 80301-2534
303 413-7710

Recording Division
1750 33rd Street, Suite 201
Boulder, CO 80301-2549
303 413-7770

Louisville Annex
722 Main Street
Louisville, CO 80027
303 413-7710

Why do we recommend purchasing the Hart Ballot Now system?

- The system is a paper ballot system, so there will always be a paper record of votes. Paper records are familiar to voters and create an unassailable paper trail when proper election procedures are followed.
- In addition to the paper ballot, the system creates a digital ballot image of each paper ballot. With a digital imaging system, the votes on the image are what are actually counted, as opposed to a traditional optical scan system where the marks on the actual paper ballot are what is counted.
- Digital imaging holds several advantages over optical scanning:
 - Ballot scanning doesn't need to stop to resolve questionable ballots such as over-votes, while optical scan systems typically reject the ballot.
 - With optical scan systems, rejected ballots that need to be duplicated must be transported securely to a team of judges, a duplicate ballot created, and the ballots then transported securely again back to the counting area. The Ballot Now system allows questions of voter intent to be resolved "on-screen" on the ballot image in a very public fashion without having to create a new ballot. A full audit log is made of any changes.
 - Optical scanning systems don't necessarily recount ballots the same because of variations in the tolerance of counting machines.
 - Paper ballots shrink, bleed or otherwise change over time.
- There is no market uncertainty about optical scan or ballot image reading systems. The standards for the systems are not under consideration, as they are for DREs. The systems produced by the leading vendors are widely in use across the nation.
- The Ballot Now system allows printing of ballots on demand. This feature will save time and money for the county by allowing it to under-print ballots in preparation for an election. Traditionally, the county has overprinted ballots to meet an uncertain demand. Ballot on demand also reduces security and administrative problems associated with having excess ballots on hand. The system will also allow us to print ballots to meet specific needs such as with replacement ballots or last-minute absentee requests.
- The system uses proprietary software with off-the-shelf components such as scanners, computers and printers, as opposed to using proprietary counting equipment with firmware.
- Ballots need only be printed on a slightly heavier stock paper, but can also be printed on normal paper in an emergency. Ballots don't need to be printed according to strict design standards as with normal optical scan ballots.

Why are we opposed to leasing?

- Money spent on leasing is money that could be spent on a new system. There is money budgeted now for the purchase that may not be available in the future.
- The market for paper-based voting systems is not an evolving market. There are standards for paper based systems and the systems are in use nationally.

- Boulder County was always going to purchase a paper-based system for absentee voting. We requested that vendors provide us with a description of their approach to an absentee voting system in their response to the county's RFP and vendors demonstrated those systems.
- Any system that we leased will either be similar to Hart's system or worse, in that it could be an optical scan system with all the attendant problems associated with those systems.
- Companies that would lease to us would not have an incentive to perform the work needed to integrate our voter registration system with the envelope tracking and ballot counting system. We will be at the mercy of vendors - and not just the one who is leasing us equipment - to do timely and efficient programming for us.