

5/17/2021

From Harvie Branscomb, harvie@electionquality.com and <http://electionquality.com>

To the Chair and members of the Colorado House State Civic, Military and Veterans Committee on the occasion of consideration of Senate Bill 21-250. Please amend this bill to accommodate the concerns voiced in this letter.

I have laboriously annotated the debate in the Colorado Senate on a very serious topic that has been rendered laughable and pathetic and embarrassing all at once within Senate Bill 250. It is a topic that I happen to know a lot about- signature verification and challenges pertaining to it.

<https://electionquality.com/2021/05/sb250-senate-2nd-reading/>

Colorado Democrats in the majority plan to end watcher challenges of eligibility just as the nation is waking up to the likely inability to ascertain the truth about election inaccuracy and in particular eligibility inaccuracy. Trump has awakened an awareness of weakness of voter authentication of remote voters using mail-in ballots. In Colorado, signature verification is the established detection mechanism and watcher challenges are the only opportunity for oversight independent of election officials - soon to be disallowed by CO SB21-250. This isn't minor security related clean-up. This is a major policy change with long term implications for increase in citizen skepticism and decrease in confidence.

In the interests of seeing reporting on a more factual debate on the House Floor this week, please view the Senate debate and my attempt at honest and reasonably well informed commentary all of which is my opinion based on hundreds of hours of direct observation with proper credentials of Colorado election processes.

Here are my principal concerns about SB-250:

- **Signatures** incomparable to envelope signatures may be uploaded from a registering voter to the signature database over the internet
- **Precinct caucuses and party assemblies** may be voted in via risky email or internet apps
- Credentialed watcher **challenges of voter authenticity** are disallowed
- **Vacancy committees** for county commissioner and state legislator may be voted in by risky email or internet app removing the sunset originally provided for in HB 21-1001.
- **Drop boxes** are being treated like polling places – but without any of the accountability- please review alternatives here: <http://electionquality.com/dropbox>
- **Recount language** still has a loophole such that voter errors are not corrected in a recount
- SB-250 is an ideal platform to **add SOS-created quality assurance** and certification and reporting requirements for the new internet remote electronic voting technologies – see text for amendment here: <http://electionquality.com/internet-voting-quality-controls>

I have completed a review of the second reading debate of SB-21-250 on the floor of the Senate from May 11 and have produced a running commentary. I have interspersed written comments between video segments of the debate concerning amendment L_010 about challenges to

signature verification. If you know me, you know I know about and have made challenges during signature verification. I could not let the misunderstandings of the Senators that led to the loss of the amendment go unanswered.

If you are at all interested in election policy I recommend you take a look at my deconstruction of remarkably defective debate that occurred on May 11. If you know how Colorado elections work, the defense of the bill can only be seen as embarrassing or blindly protective of a system against its citizen constituents. Either way it is impossible for good election law to come out of such a discussion. I hope clerks on this list will find time to educate their respective legislators about Colorado elections after seeing what is said here, particularly about Weld County.

I also hope that any misunderstanding that I have represented here will be corrected by those who know more than I do.

In the interests of seeing a more factual debate on the House Floor this week, please view the Senate debate and my honest and reasonably well informed commentary here:

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That L_010 amendment would have removed Section 45 of SB-250 and restored to current status the ability of credentialed watchers to challenge decisions by election judges of signature verification. Senate Bill 250 Section 45 now states:

(2) A MAIL BALLOT MAY NOT BE CHALLENGED UNDER THIS SECTION SOLELY ON THE BASIS OF THE SIGNATURE THAT APPEARS ON THE MAIL BALLOT. SIGNATURES ON MAIL BALLOTS MUST BE REVIEWED IN ACCORDANCE WITH SECTION 1-7.5-103.

It goes even further stating:

Challenged ballots, except those rejected for forgery of a deceased person's signature on a mail ballot affidavit or submission of multiple ballots, MUST be counted.

Depending on the definition of challenge here, this bill section may wreak havoc on all the beneficial rejection of many instances of improper voting. It certainly wreaks havoc on any oversight provided by watchers who are appointed by candidates, committees and parties in respect to the eligibility determination of our mail ballot election. It would be best to remove the Section 45 from the bill to avoid a major policy shift away from citizen oversight in elections.

There are other topics that deserve attention in the bill as stated below:

---below is from the previous email sent to House members and Colorado Clerks on May 14 2021---

I know that SB21-250 is up for its final chance for public comment on Monday May 17 in the

State Affairs committee meeting. I plan to testify but will no doubt be limited to a short amount of time when the bill is 80 pages and the topic is as large as Elections and Voting. My experience is germane to many topics and major policy shifts are included in the bill. Brief talking points are shown at the bottom of this email.

I am a veteran credentialed watcher of elections, as the county clerks who are reading this will know. There are few counties where I have not yet watched the actual processes of eligibility determination and tabulation.

An omnibus bill with the impact of SB-250 deserves better than the usual partisan legislative tactics used to gain passage in an unbalanced legislature. But that is happening, as clearly indicated by the Senate Floor debate on May 11 where much that was untrue was spoken to support and criticize this bill.

The record of that floor debate is here with my commentary:
<https://electionquality.com/2021/05/sb250-senate-2nd-reading/>

As someone who has devoted thousands of hours to Colorado elections as an observer, I would know a lot about signature verification. I have watched and even challenged poorly decided signature verifications. I have managed through great effort to help our clerks produce improvements Colorado election process.

I link here my comments on Senate Bill 250 as posted on my website, electionquality.com/amend-sb250. I discuss eight areas of concern much of which relate to the use of internet for various forms of voting including perhaps the most impactful voting in Colorado- that of the vacancy committee. That is an election with too many candidates and too few voters- ripe for error and interference if it isn't conducted in public in a physical location. SB-250 takes it online.

I am a stalwart supporter of and participant in local party politics. I understand the important purposes of the caucus, the assemblies and the vacancy committees. But I am concerned that Colorado Statute is about to be permanently changed to allow email voting and internet "app" voting for these crucial decisions that empower our legislature and county commissions, I and I expect most of the county clerks reading this email do not want to see voting in these venues reduced to a faceless click on a smart phone and all the risks entailed. Even though they do not tabulate these party elections, they care that a good example is set in Colorado for election integrity. Voting on an "app" over the internet is only going to embarrass Colorado and our elected election officials will take the heat for any resulting confusion.

Likewise the intended end of the watcher signature challenge (Section 45) strikes deep into the heart of Colorado's election integrity, where we are still weakest at accountability. I may be the most experienced watcher of signature verification in Colorado. I might know better than others that Colorado election process needs independent oversight from time to time and from county to county. Section 45 of the bill is a mistake. It will only take us farther from an evidence-based election and closer to an election outcome based on the loudest of social media complaints. We do not want to go there. Your county clerks do not want to see Colorado go there. They work

hard to make election evidence matter. App voting isn't going to produce convincing evidence.

I hope clerks and legislators will be in contact to avoid making some big mistakes in passing an unamended omnibus bill that is not getting the attention it deserves. Senate Bill 250 actually decrements from Colorado's verification capability and thus harms election security in the eyes of the public.

Transferring signatures online from voters' private and insecure phones and laptops via an internet "upload" to be used as signature reference images is simply a low integrity idea. It takes us even farther from the wet signature reference that is credible because it was signed in front of an official. This upload language is a mistake. It is found early in the bill and ought to be removed.

Finally, SB-188 has awakened the nation to a strange carelessness in Colorado about the integrity of remote electronic voting technology. We have received warning letters from national science and technology experts at ACM/AAAS, letters and a visit from Verified Voting and mentions by Princeton Professor Appel among others. Colorado can take advantage of the open bill title of SB-250 to ask the SOS to implement a regulatory structure around the four phases of remote electronic voting and the three vendors that we have quietly contracted with to serve an increasing number of voters. These companies are operating without regulation that secures most of our voting system. Our current treatment of remote electronic voting is taking us away from an evidence-based election.

Please see my points below and the backup explanations and references to the bill in the linked webpage and listed below after my signature:

<http://electionquality.com/amend-sb250>

Please be more cautious than Georgia in passing an omnibus bill that radically changes the way elections will be performed for the indefinite future by opening many security loopholes at the very moment we should be closing them. While Georgia's bill is known for voter suppression, Colorado's bill may become known for verification suppression that in fact benefits no one. Please amend out Section 45.

Thanks very much for your time.

Harvie Branscomb

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