



## Colorado County Clerks Association

Contact lobbyist: Mike Beasley [mike@5280strategies.com](mailto:mike@5280strategies.com)

Executive Director Pam Anderson

[CCCAExecutiveDirector@gmail.com](mailto:CCCAExecutiveDirector@gmail.com)

### House Bill 20-1149: Student Voice Student Vote Act- Vote NO

The CCCA is **opposed** to the bill as introduced and the proposed amendments do not address the concerns.

Colorado elections and the county clerks support modernization of elections that represent accurate and independently verifiable elections that promote confidence in election outcomes. The county clerks are also sworn to uphold the United States and Colorado Constitutions. The policy to enfranchise 16 and 17-year-old pre-registrants as designed created complexity and risk that compromises many of those values.

House Bill 20-1149 permits pre-registered 16 and 17-year-old voters to vote in school district elections and only those elections. There are currently just over 47,000 student pre-registered in this demographic and they would receive a ballot unique to them in content in the bill proposal. This creates conflicts with Colorado election law and the values of all other elections conducted by the county clerks due to the small numbers.

➤ **Colorado Constitution Article 7, Section 8. ELECTIONS BY BALLOT OR VOTING MACHINE**

*All elections by the people shall be by ballot, and in case paper ballots are required to be used, no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted.*

To simplify the math- if an election had 10 people in it, and one voter was 16 or 17, their ballot would be unique and quite possibly uniquely numbered by their precinct (precinct reporting required). Voter lists are public, so you know who the voters are, and if they cast a ballot (canvass).

Proposed amendments to the bill will require rolling up all results from the precinct level and redacting any ballots style of less than 10 voters. This is an important provision to attempt to address the constitutional exposure. **However**, it results in significantly compromising other election values.

➤ **Election Transparency and Independent Verifiability**

While the amendments may be a work-around for the risk to constitutional violations, it erodes the value of election transparency and independent verifiability. Anonymous voted ballots are public in Colorado. Voter participation is also public information with some confidential exceptions. Currently, county clerks identify "pocket precinct" styles of less than 25 voters to hold during an election and group together to protect voter privacy exposure as described above. In any given election, this may require a few precinct styles to be set aside and possibly redacted. This policy proposal exponentially increases the redaction potential and more results will be held for release after Election Day. In a close election, much more of this election will be hidden from public scrutiny.

Total # of 16-17 pre-registrants statewide	47416	<i>*assuming a 100% turnout (will increase with less turnout).</i>
Total # of precincts with pre-registrants	3213	
Precincts with fewer than 25 pre-registrants	2733	Will require <b>85%</b> of precincts sorted and held
Precincts with fewer than 10 pre-registrants	1269	Will require <b>39%</b> of the precincts redacted
<b># of pre-registrants in a precinct alone</b>	<b>165</b>	



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Instead of a few precincts redacted in Denver (see Appendix 1), there would be at least 173. In Arapahoe, it would be 127 precincts. In Jefferson County- they would hold aside 64 precincts. Some of the largest counties may have equipment to sort (would require many passes and delay processing), but in most of the counties, this would be a *manual* process and prone to human error. The exponential increase to the redaction for the policy as designed moves the school district elections away from transparency and independent verifiability and lays the burden on the election official for the complexity and vastly increases risk to 16 and 17-year-old voters and liability.

In addition, the proposal to eliminate the randomly selected ballot for audit in the rare instance it would be selected to protect the voter's privacy erodes the fundamental tenet of statistically random selection.

➤ **This bill with or without amendments require significant SCORE programming- implementation date is not feasible.**

There is a backlog of SCORE programming for implementation of legislation. SCORE is in need of a major upgrade and the implementation date is much too soon for this policy. Manual work arounds impact the integrity of the process and can not longer be sustained.

➤ **Initiative 76- November 2020**

Voters will be asked to vote on a proposal for voter eligibility in an amendment to the Colorado Constitution in November. This will impact the implementation of this policy. The proposed ballot language is as follows:

Colo. Const. Art VII, Section 1. In the constitution of the state of Colorado, **amend** section 1 of article 7 as follows:

~~Every citizen~~ ONLY A CITIZEN of the United States who has attained the age of eighteen years, has resided in this state for such time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections.

The CCCA believes that passing this bill in advance of the vote of the citizens will create implementation conflicts and voter confusion if the initiative passes. There currently are different legal interpretations of the constitutionality of the policy under the Colorado Constitution. The initiative may clarify the legal questions or result in clarifying action in a court of law. The bill and resulting implementation should not pre-empt the voters. The implementation date for the bill is problematic due to the number of elections in 2020 and resources available for putting a program together.

The CCCA members as an association have not weighed in on the policy topic of enfranchisement of minor voters. But by limiting the vote to a specific type of election creates unique conflicts in Colorado election values that are not resolvable unless you provide access to the same elections as all other voters.

**The CCCA urges a NO vote on HB 20-1149.**



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## Appendix 1

County	School District	# of precinct with less than 10 voter redacted- no precinct results	# of precincts with only 1 voter (needle in a haystack)
Arapahoe	Total voters: Total # of preregistrants: 6387 (%)		
	Adams-Arapahoe 28J School District	34	1
	Arapahoe County School District #6 Littleton Public Sch	26	1
	Cherry Creek School District No. 5	43	3
	Englewood 1 School District	20	2
	Sheridan 2 School District	4	1
	Arapahoe redaction totals	127	8
Boulder	Total voters: Total # of preregistrants: 3007 (%)		
	Boulder Valley School RE 2	60	10
	Park (Estes Park) School R-3	1	0
	St. Vrain Valley School Re 1J	38	1
	Thompson R2-J School	2	2
	Boulder redaction totals	101	13
Denver	Total voters: Total # of preregistrants: 3603 (%)		
	Denver Public Schools (School District No.1), Director D	173	23
	Denver redaction totals	173	23
El Paso	Total voters: Total # of preregistrants: 5179 (%)		
	Academy District 20	4	0
	Big Sandy 100J School	1	0
	Cheyenne Mountain 12 School	3	2
	Colorado Springs School District 11	44	1
	Ellicott School District 22	1	1
	Edison 54 JT School	1	0
	Fountain/Ft Carson 8 School	6	2
	Fremont RE-2 School District	1	0
	Hanover School District	1	0
	Harrison 2 School	7	0
	Manitou Springs 14 School	3	0
	Peyton School District 23 JT	1	0
	Widefield School District 3	6	0
	El Paso redaction totals	79	6
Jefferson	Total voters: Total # of preregistrants: 5443 (%)		
	Jefferson County School District R-1	64	2
	Jeffco redaction totals	64	2
Mesa	Total voters: Total # of preregistrants: 5443 (%)		
	De Beque School District 49JT	1	0
	Mesa County Valley School District 51	8	0
	Mesa redaction totals	9	0