

STATE OF COLORADO
Department of State
Civic Center Plaza
1560 Broadway, Suite 200
Denver, CO 80202-5169



Donetta Davidson
Secretary of State
William C. (Billy) Compton
Director, Elections Division

January 28, 2005

The Honorable Alisa Lewis
City Clerk
City of Boulder
1777 Broadway
Boulder, Colorado 80302

Re: **Approval of Mail Ballot Plan for the City of ^{Boulder}~~Fort Collins~~**

Dear Ms. Lewis:

This office has received the proposed mail ballot plan for the City of Boulder that you resubmitted to our office on January 28, 2005. The mail ballot election is to be held on March 8, 2005.

Upon review of the information sent to this office, it would appear that the plan and the timetable are in compliance with Title 1, Article 7.5 of the Colorado Revised Statutes and the Secretary of State Rules Section 12.

Your mail ballot plan is approved.

If this office can be of further assistance to you, please do not hesitate to call me at 303-894-2200, ext. 6311.

Sincerely,

Rose A. Sanchez
Elections Division

AMENDED (January 27, 2005) MAIL BALLOT – WRITTEN PLAN

City of Boulder Mail Ballot Plan for the Special Municipal Election to be Conducted on Tuesday, March 8, 2005

- a. **Date of the election:** March 8, 2005
- b. **Type and name of jurisdiction involved in the election:** City of Boulder, a Home Rule Municipality
- c. **Description of the type of election to be conducted:** Regular Municipal Election for election of one (1) Councilmember to fill a vacancy. Ballot will also include one charter amendment. See Exhibit A – Charter Section 8
- d. **Citation of the statute or home rule charter provisions authorizing the election:** City of Boulder Home Rule Charter Article 4, Section 2: C.R.S. Title 1, Article 7.5: C.R.S. 31-10-102.7; and other applicable City Ordinances and Regulations. See Exhibit B
- e. **Estimated number of eligible electors:** 64,000 Active electors on the Official Registration Records of Boulder County) Ballots will be mailed to active voters only.
- f. **Name of the designated election officials who will be responsible for all aspects of the election:** Alisa Lewis, City Clerk and Linda Salas, Boulder County Clerk & Recorder
- g. **Indication of whether the county clerk and recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute:** In addition to providing Preliminary and Supplemental Lists of Registered Electors as required by statute, Boulder County Clerk will provide for use of Boulder County owned election tabulation equipment, pursuant to the terms of an intergovernmental agreement. Conduct of the special election will be contracted through Boulder County.
- h. **Total number of “places of deposit.” For security reasons, unmonitored freestanding places of deposit located outside will not be allowed:** The one drop-off site shall be at the Boulder County Clerk’s primary facility at 1750 33rd St., Boulder. Including drive-by drop-off on Saturday, March 5 between the hours of 10:00 a.m. and 2:00 p.m., and on Election Day from 7:00 a.m. to 7:00 p.m. Ballots will not be accepted at any City of Boulder facilities or any other county locations and voters will be directed to the 1750 33rd Street location.

Sealed ballot boxes will be placed at the front desk and monitored by County staff. Ballot boxes will only be available during normal business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. except for drive-by drop-off on Saturday, March 5 between the hours of 10:00 a.m. and 2:00 p.m., and on Election Day from 7:00 a.m. to 7:00 p.m.

The drive-by drop-off ballot box shall be an official locked ballot box and monitored by a minimum of two sworn persons.. The locked ballot box shall be chained to a fixed structure outside the building (a light pole or pillar), near the curb. If, due to weather, the ballot box must be moved into the Boulder County Clerk’s building, it will be monitored by two sworn persons and chained to the pillar by the main stairway at 1750 33rd Street. The ballot box will always be chained and monitored by a minimum of two sworn election officials. Voters will drive-by and

sworn election officials will date stamp the mail ballot envelope and will verify that the voter has completed the voter affidavit. The ballot will be returned to the voter for deposit into the secured ballot box.

All ballot boxes will be secured in locked rooms during non-business hours. Keys to the secured ballot area will be controlled by Nancy Jo Wurl, Chief Deputy County Clerk and Patricia Stahl, Election Administrative Supervisor.

- i. **Per Secretary of State Rule 12.8.2**, any one individual may drop off no more than 5 voted ballots.
- j. **Written timetable for the conduct of the election in accordance with the statute:** See Attached Exhibit C.
- k. **Indication of how postage will be handled for ballot packets returned as undeliverable (e.g. “return postage guaranteed”):** Ballot Packets will be mailed first class at the required postage rate. Per the instructions of the United States Post Office, City of Boulder Branch, the envelope containing the ballot package shall be clearly marked “DO NOT FORWARD – RETURN SERVICE REQUESTED.” With use of this language, the U.S. Postal Service guarantees return of undeliverable mail to the Boulder County Clerk. Sufficient funds are on deposit with the Boulder Post Office to cover the cost of processing the “undeliverable” ballots.

Ballot Packets returned by the post office to the Boulder County Clerk as “undeliverable” will be date stamped, alphabetized and a notation (UND) made on the registration list by the Boulder County Clerk or her designee. This will be done on a daily basis, and this figure will be included in the Daily Receipt Records. These ballot packages will be secured in the vault until the designated time to count and reconcile ballots. Ballot packets will not be re-mailed.

If a voter for whom a ballot package was returned as undeliverable, appears in person at the Boulder County Clerk’s office, a new ballot package will be prepared and issued to the elector. The elector must first show proof of residency and complete a sworn statement requesting a replacement ballot.

In accordance with Section 1-7.5-107 (3)(d)(I), C.R.S., if a registered elector does not receive the mail ballot packet, the elector must sign and submit to the Boulder County Designated Election Official (no later than 7:00 p.m. on election day) a sworn statement specifying the reasons for requesting a replacement ballot. The DEO or Boulder County Clerk will also request a Change of Address form from an elector who has moved before re-issuing and/or re-mailing the ballot packet to the corrected address. The County will pay the postage but be reimbursed by the City.

A voter may also be issued a replacement ballot via mail, not just in person, as long as a sworn signed statement has previously been delivered to the Boulder County Clerk’s office and if there is time to mail the replacement ballot and receive it back by the deadline of 7:00 p.m. on election day

- l. **Insufficient postage:** The Boulder County Clerk has deposited sufficient funds with the Boulder Post Office to pay for any voted ballots returned by the voter that does not contain sufficient postage. The cost shall be back-charged to the City.

- m. **Ballots delivered to the City Clerk's office:** Any person attempting to hand deliver a voted ballot to the Boulder City Clerk's office shall be instructed to mail or hand deliver the ballot to the Boulder County Clerk's office at 1750 33rd Street, Boulder, 80301. The information about NOT delivering ballots to the City Clerk's office shall be noticed in the official public notice of election, all press releases, on election related web sites, and on election related voice mail messages.
- n. **Indication of procedures to be followed to ensure compliance with statutes and rules, including persons responsible for each stage:** The Boulder County Clerk shall be accountable for the administration of the election as set forth in the Colorado Revised Statutes and the City of Boulder Home Rule Charter including preparation of the ballot packages, mailing of ballot packets, receiving and recording of ballots, handling of walk-in voters, counting, and other issues which may arise in conjunction with this election.

Ballot layout will be done by Boulder County Clerk's staff utilizing Hart InterCivic Ballot Now System.

Patty Stahl, Elections Supervisor and Tim Hansford, Elections Business Analyst, Boulder County staff, will program the Boss/Tally database for the Election. Both Ms. Stahl and Mr. Hansford have had Colorado Bureau of Investigation background checks in 2004 prior to the primary and general election. Mike Harlan, IT Manager, will provide staff for any hardware support. Ballot programming will begin, January 24, by Marie Albert, Tech II, Boulder County election staff. The Integrity Voter Registration database containing voter registration information will be imported into the BOSS database. The City of Boulder will have one ballot style and will be reported at large.

The procedures for programming and creating the March 8, 2005 Mail Ballot Election are as follows: An Election Data Base will be created in Boulder County's Ballot Origination Software System (BOSS). BOSS accepts the input of jurisdictional and election specific information. The ballot generation feature of BOSS creates electronic ballot styles based on the jurisdictional and election specific information that will be imported. Ballot generation creates a single data file that is used to form the ballot style. The proprietary data file will then be written to multiple PC card memory devices called Mobil Ballot Boxes (MBB's). These MBB's will be used to configure Boulder County's Ballot Now for the Mail ballots. The MBB supplies ballot data for the election. Tally, which is Boulder County's accumulation software, uses the same MBB's from Ballot Now to return the ballot images captures to the election for tabulation.

Once BOSS generates the file for the MBB, the BOSS database will be locked by the "lock command button" in the Administration Menu to freeze the election database to any changes and archive it for Tally functions, thus protecting the integrity of the MBB data file. This same database is then used to initialize the Tally database. Boulder County will create no less than 16 MBB's for the March 8, 2005, City of Boulder special election. The following is illustrative of how the 16 MBB's will be used:

- 32 Logic and Accuracy test (3 tests x 8 systems + 8 backup)
- 16 Live round trip for quality control of ballots (1 x 8 + 8 backup)
- 50 Official Election (one for each scanning station)

Boulder County will keep an internal tracking sheet of all MBB's created and for what purpose. (See Exhibit D) Boulder County will label each MBB to clearly indicate its purpose and whether or not it is an official MBB or test MBB. (See Exhibit E)

Boulder County's sequential steps for creating an Election database in BOSS is as follows:

1. Create an election
2. Open the election
3. Define the election type, date and official title
4. Define the jurisdictional information
5. Assign the precincts
6. Define contest titles
7. Define candidates and voting options
8. Proofread the ballot reports
9. Generate the ballot formats
10. Create the MBB's
11. Lock the database for Tally
12. Print and Audit Trail & Summary Reports
13. Verify that MBB's contain the required information
14. If necessary ADMINISTRATOR ONLY can return to the database to make corrections
15. Print BOSS reports including another audit trail
16. Backup BOSS database

All of the following databases will be backed up to cd's and stored on site as well as off site:

BOSS
Ballot Now Logic & Accuracy Test
Ballot Now Official Election
Tally Logic & Accuracy Test
Tally Official Election
Round Trip Ballot Quality Control Test
Round Trip Tally

Locations of the Election Databases are as follows:

BOSS	C:\boss\Database\yearmonthday-hourminute\Second (12 digits)
TALLY	C:\tally\Database\yearmonthday-hourminute\Second (12 digits)
BALLOT NOW	D:\Program Files\Hart Intercivic\Ballot Now\### (3digit Election I.D.)

The sequential steps for printing ballots are as follows:

1. Insert the MBB and open the Election
2. Set options for printing ballots
3. Print ballot proofs for each ballot style
4. Select the precinct ballot and number of copies that need to be printed
 - a. Print TEST ballots for the precincts and the Logic and Accuracy test
 - b. Print SAMPLE ballots for each ballot style
 - c. Print ELECTION ballots for the Official Mail Ballot

Marie Albert will verify ballot style and provide proofs to the City of Boulder for verification and proofing. Once proofs have been approved and signed off on Ms. Albert will notify Tim Hansford and Patty Stahl who will export from the Integrity voter registration database, the total number of current active registered electors as of 5 p.m. January 28, 2005. Count will be rounded up and increased to a 5

percent overage for ballots. This should accommodate any increased in voter registrations until the February 7, 2005 registration deadline, as well as inactive registered voters and replacement ballots. If additional ballots are needed for the election, Patty Stahl, Elections Supervisor, and Tim Hansford, Business Analyst, will print them utilizing the Ballot Now System. All ballots printed in-house will be tracked.

Mr. Hansford and Ms. Stahl will provide Hart InterCivic in Austin, Texas, with the ballot count and postscript files of all the ballots to be printed. Once ballots have all been printed the City and County Clerk will fly to Austin on February 2, 2005 to pull live ballots to perform a round-trip test for quality control of ballots on Thursday, February 3, 2005. Once the round-trip has been completed and approved HART will ship official ballots to Sprint Press of Denver. Sprint will insert ballots and address and seal mail ballot envelopes for all active voters in the City of Boulder. Boulder County will send out any additional ballots for voters who registered after January 28, 2005 and on or before February 7, 2005, who are eligible to receive a City of Boulder ballot for the special election.

o. Experienced election staff from the Boulder County Clerk's office and sworn Election Judges will lead various election functions, including the following assignments:

Staff from the Boulder County Clerk's Elections office will be responsible for the daily collection of the returned envelopes from the Post Office, and receipt of ballot envelopes that are hand delivered to the Boulder County Clerk's office.

Staff from the Boulder County Clerk's office will be responsible for handling requests from voters who appear at the Boulder County Clerk's primary Election's office and indicate they did not receive a ballot, or are in need of a replacement ballot.

Staff and Election Judges will be responsible for separating, date stamping, and alphabetizing the ballot envelopes received at the Elections office on a daily basis. A daily reconciliation form will be completed at the end of each business day. The ballot envelopes will be secured in the County's secure ballot area after they have been sorted. Keys to the secured ballot area will be controlled by Nancy Jo Wurl, Chief Deputy County Clerk and Patricia Stahl, Boulder County Election Administrative Supervisor during non-business hours. If more ballots are returned than staff can handle, election judges will be hired as needed during this two-week period.

Election Judges will be appointed to work with the Elections staff during the verification and counting process in accordance with procedures established by the Boulder County Clerk. It is anticipated that verification and counting will commence approximately ten (10) days prior to Election Day.

All judges and staff shall be sworn in prior to processing.

Hart InterCivic, Inc. will be responsible for printing of ballots, ballots packet assembly and mailing of ballots from their facilities off-site. They will also provide supplies to the Boulder County Clerk's office for walk-in voters requesting replacement ballots.

Hart InterCivic, Inc. will be responsible for creating the memory cards for the Ballot Now Counting system. A representative from Hart InterCivic, Inc. will be available at all times during the counting period and on election day to assist with any problems encountered by staff or the judges.

- p. Description of procedures to be used to ensure ballot security at all stages of the process:** The Boulder County Clerk's Elections secured ballot storage areas will be used to secure all election materials during each stage of the election process. All election supplies, including unvoted replacement ballots, voted ballot envelopes and ballot packages returned as undeliverable shall be stored in the Boulder County Clerk's secured caged ballot storage area and only persons who have been deputized or sworn in shall have access to this area. Only authorized personnel Nancy Jo Wurl, Chief Deputy County Clerk; Patricia Stahl, Boulder County Election Administrative Supervisor; Tim Hansford, Boulder County Business Analyst; and Martha Forsyth, Boulder County Absentee Coordinator. C.B.I. background checks will be completed on each of these employees.

Only authorized staff will be permitted to handle ballots once they are in the Boulder County Clerk's possession. A separate post office box has been rented for the return of ballot envelopes through the mail and two members of the Boulder County Clerk's staff will retrieve ballot envelopes from this box on a daily basis and bring them directly back to Elections office for processing. Any voter returning a voted ballot envelope to the Boulder County Clerk's office will be directed to the Boulder County Clerk's office where staff will review the verification information for completeness, date stamp the envelope, and then have the citizen place the ballot envelope in a locked ballot box. Election Judges will remove the ballots from the ballot box for verification and counting. Election Judges will also be responsible for verification and counting of ballots returned by mail.

Preparation and assembly of ballot packets is anticipated to take place at Hart InterCivic, Inc. Election facilities, off site from the County's Elections center under the security procedures established by this company.

All election processes will be supervised by Boulder County Clerk's staff members at all times.

- q. Description of procedures to be used for signature verification:** Voter information on the self-affirmation on the return envelope will be verified against voter registration records by the election judges prior to the opening of the return envelopes. Envelopes not properly completed will be rejected, and returned to the Boulder County Clerk unopened for reconciliation.

Return mail ballot envelopes will be date stamped, verified that affidavit is complete. Signatures will be compared to signatures on file for the voter in the Integrity Voter Registration Database. If a signature is not on file election officials will locate pollbooks and other documentation on file to provide signature verification.

All unsigned mail ballot envelopes will be filed alphabetically counted and locked in the secured ballot room and kept separately. Boulder County election officials will contact the voter by mail to inform them that their mail ballot was not signed and they must sign the ballot prior to 7:00 pm, March 8, 2005, in order for their ballot to be counted. If the voter comes into the office to sign the ballot one of the authorized Boulder County election officials will then complete a log sheet indicating that the voter's unsigned ballot envelope was pulled from the tray, the signature of the employee who pulled the ballot envelope and the date that the voter signed the mail ballot envelope affidavit.

All envelopes that have been verified and accepted as complete will then be placed into a tray.

The mail trays will then be distributed to the duly appointed election judges in the Envelope/Voter Signature Verification area/room. There will be duly appointed teams of election judges completing the scanning of the envelopes and signature verification. The mail ballots without HAVA required ID will be scanned into the voter registration system database by the duly appointed election judges. The ballot envelope voter ID/barcode will be entered/scanned into the database to record receipt of the ballot. The ID/barcode on the envelope is a unique number for the elector. After being scanned, if there is an issue with the ballot envelope, the system will trigger a code indicating whether the ballot is eligible for the election or if a replacement ballot has been issued. This will prevent any elector from voting twice and allow the scanning judges to put all replacement ballots aside in a locked and sealed ballot container to be reviewed after 7:00 p.m. on election night.

The duly appointed election judges will open any mail ballot envelopes requiring HAVA ID. The envelope will be examined to see if the proper ID has been provided and for signature verification. If the ID is enclosed, the ID will be removed from the envelope and placed into a locked and sealed labeled container. If the ID is not enclosed, the complete ballot envelope will be stored in a locked and sealed ballot container and those ballot envelopes will be treated as provisional ballots after 7:00 pm on Election Day. Upon completion of all ID requirement mail ballots, the duly appointed election judge will then proceed to work on the regular mail ballots. The duly appointed team will then begin signature research for those signatures in question.

Each envelope in the mail tray will be verified for completion of the required information and for signature verification for those signatures electronically on file. A team of two duly appointed election judges will complete signature verification. The information on the envelope will be compared to the electronic signature found on the registration records. The signatures shall require further research if any of the following are discovered:

An obvious change in the slant of the signature

A printed signature on one document and a cursive signature on the other document

Differences in the size or scale of the signatures

Differences in the individual characteristics of the signatures, such as how the "T's" are crossed, "I's" are dotted, loops are made on "Y's" or "J's"

Differences in the voter's signature style, such as how the letters are connected at the top and bottom

If the voter's signature does not appear to match the one on the voter registration file, it will be turned over to the election judges to make the determination whether to count the ballot or reject it. Taking the research information into account, the election judges will make a reasonable determination as to whether the signatures match. If the election judges agree that the signatures do not match, a letter will be sent to the voter in accordance with 1-7.5-107.3 (2)(a) and 1-8-114.5(2)(a). The letter that will be sent will be the one approved by the Secretary of State pursuant to 1-1-109. C.R.S. Those envelopes will be filed, locked and stored in the secured ballot area. Upon return of a letter from the voter, the election judge will complete the research log notating the receipt of the letter from the voter. The final determination as to whether the signature is accepted and the ballot counted shall be noted on the research log so that the steps taken, as well as the final outcome, for each of the signatures in question can be easily tracked.

After review of the signatures, the accepted envelopes will be placed into a numbered transfer case along with a report from Integrity indicating the number of ballots entered into the system for that specific transfer case. The maximum number of ballot envelopes in each transfer case will be 500.

If any ballot envelopes are rejected upon opening due to empty envelopes, multiple ballots in one envelope, or an issue with the ballot or envelope, those envelopes will be placed aside (exactly as they were received by the judge, leaving multiple ballots in the envelope, etc) into a problem transfer case and be accounted for on an Envelope Resolution form. Once these ballot envelopes are accounted for, they will be returned to a duly appointed election judge who will be responsible for entering the rejection status into the Integrity voter registration database. The mail ballot code that had initially been entered as “okay” will be manually updated in the elector’s record with the appropriate reason rejection code. The date of the change will be entered and stored, as well as the operator making the manual change to the record.

r. Description of procedures to ensure privacy by use of a secrecy sleeve or secrecy envelope so receiving judges cannot tell how the elector voted:

Each ballot packet will include a secrecy sleeve and voter instructions on how to insert the voted ballot into the secrecy sleeve.

The secrecy sleeve and envelope will meet all specifications described in the Secretary of State’s Rules Concerning Mail Ballot Elections, Section 12.1.1, including instructions for compliance with section 1-7.5-107 (3.5)(a), the requirement for submission of ID for first time voters who registered by mail.

Instructions to judges, as well as the Judge’s sworn oath, will include the direction that any vote inadvertently revealed must remain confidential.

When a mail ballot is returned to the Boulder County Clerk’s office the envelope will be date stamped and the signature on the envelope affidavit will be verified against signatures on file. If the envelope is not signed a letter will be sent to the voter notifying them. Returned mail ballots will be tracked in the Integrity Voter Registration System as returned voted mail ballots, rejected, not returned, etc.

If the voter’s signature does not appear to match the one on the voter registration file, it will be turned over to the election judges to make the determination whether to count the ballot or reject it. Taking the research information into account, the election judges will make a reasonable determination as to whether the signatures match. If the election judges agree that that the signatures do not match, a letter will be sent to the voter in accordance with 1-7.5-107.3 (2)(a) and 1-8-114.5(2)(a). The letter that will be sent will be the one approved by the Secretary of State pursuant to 1-1-109. C.R.S. Those envelopes will be filed, locked and stored in the secured ballot area. Upon return of a letter from the voter, the election judge will complete the research log notating the receipt of the letter from the voter. The final determination as to whether the signature is accepted and the ballot counted shall be noted on the research log so that the steps taken as well as the final outcome for each of the signatures in question can be easily tracked. In order for the ballot to count the voter must appear in person to provide ID and to sign the envelope at the Boulder County Clerk and Recorder’s office.

Once signature has been verified and accepted the secrecy sleeve containing the ballot will be separated from the return envelope to maintain secrecy of the ballot. This will be done no earlier than 10 days prior to the March 8, 2005 election day.

Boulder County utilizing the Hart Ballot Now System was granted an exemption from the use of ballot stubs by the Secretary of State’s office, see Exhibit F. We have requested an extension to

the exemption for the City of Boulder's special election held under the Hart Ballot Now System on March 8, 2005.

- s. **Description of procedures to be used to reconcile ballots issued, ballots received, defective ballots and substitute ballots:** A record of the number of ballots issued to Active registered voters will be supplied by Hart InterCivic, Inc. at the time the ballots are mailed. The sequential number on a ballot is not associated to a specific voter.

Daily Receipt Records will be maintained of the voted ballot packages received by Boulder County Election Division and also those ballot packages returned as undeliverable. All replacement ballots issued will be recorded and marked as replacements. The registration record will also be marked to indicate a replacement ballot has been issued and the original ballot number is no longer valid. All requests for replacement ballots shall be made on forms supplied by the Boulder County Clerk's office and the Boulder County Clerk will retain a copy of the form.

Any spoiled or defective ballots will be voided and retained by the Election Judges for verification and reconciliation during the Counting Procedure.

The verification and counting officials will be required to maintain daily reconciliation forms. The daily reconciliations will be added together and verified through the ballot count. Judges will make sure all totals are reconciled on election day. Daily and cumulative reports will be printed and initialed by the Boulder County Clerk, the Boulder County Clerk's staff, and/or the election judges as appropriate. The Judge's Abstract of Votes and the Reconciliation Reports will not contain voter information but will contain the number and types of ballots issued, returned, unreturned counted and not counted and challenged. The Abstract will be posted following the close of the counting but no sooner than 7:00 p.m. on election day. A Judge's Certificate of Election Returns, which enumerates the total number of votes, cast for each candidate, the number of votes cast for and against each ballot issue, and each ballot question will also be posted and included as Attachment G.

- t. **An actual sample of the secrecy sleeve or secrecy envelope to be used in the mail ballot election:** Exhibit H

Other Items:

1. Pursuant to Section 8 of the City of Boulder Home Rule Charter, in any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.
2. No replacement ballot will be transmitted to any voter unless the Boulder County Clerk has received a sworn statement specifying the reason for requesting the replacement ballot. The form may be submitted by fax pursuant to SOS Rule 12.9.1.

3. Any person desiring to run as a write-in must file an Affidavit of Intent to Run, no later than January 28, 2005.

Date of Amended Submission: March 4, 2005~~March 1, 2005~~

Designated Election Official Signature: _____
Alisa Lewis, City Clerk

Designated Election Official Signature: _____
Linda Salas, Boulder County Clerk

EXHIBITS

- Exhibit A - Home Rule Charter Section 8
- Exhibit B - City of Boulder, Resolution 965
- Exhibit C - Timeline
- Exhibit D - MBB Tracking Sheet
- Exhibit E - MBB Labels
- Exhibit F - Letters regarding stub exemption
- Exhibit G - GES' Certificate of Election Returns
- Exhibit H - Secrecy Sleeve
- Exhibit I - Mail ballot envelope

Exhibit A – Excerpt from City of Boulder Home Rule Charter

Sec. 8. Vacancies.

A vacancy shall exist in the council whenever a duly elected council member fails to qualify within ten days after notice of the election, dies, resigns, removes from the city, is absent from five consecutive regular meetings of the council unless formally excused the refrom, is convicted of a crime or felony while in office, or is judicially declared a lunatic; or, in case of a recall, no successor is elected, or if elected, fails to qualify.

In case of vacancy, the remaining council members shall, by majority vote, by resolution call for a special election to fill the vacancy, to be held on a Tuesday within sixty days of the vacancy, except that:

(a) Any vacancy occurring less than one hundred twenty-one days prior to a general municipal election but more than seventy-five days before that election shall be filled at that election and not by special election;

(b) If the seat of a council member which will not otherwise be on the ballot at the next general municipal election becomes vacant within seventy-five days before that election, the council shall provide for a special election to occur on the second Tuesday after the first Monday in January of the next year;

(c) Any vacancy occurring less than one hundred twenty-one days prior to a state primary or general election but more than seventy-five days before that election shall be filled at a special election held on the day of that election;

(d) Any vacancy occurring within seventy-five days before a state primary election shall be filled at a special election to occur on the first Tuesday after the first Monday in November of that year; and

(e) Any vacancy occurring within seventy-five days before a state general election shall be filled at a special election to occur on the first Tuesday after the first Monday in January of the next year.

The nomination of candidates to be voted for at such special election, the publication of notice, and the conduct of the same shall all be in conformity with the provisions of this charter relating to elections, but the council shall, in the resolution calling for the special election, adjust the times for checking petitions, correcting or replacing signatures, completion and filing of petitions, withdrawal from nomination, and certification and filing of the list of candidates, as may reasonably be required to accommodate the date set for the election. (Amended by Ord. No. 5813 (1996), 2, adopted by electorate November 5, 1996.)*

RESOLUTION NO. 965

A RESOLUTION CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY TO BE HELD BY MAIL BALLOT ON MARCH 8, 2005, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, Councilmember Will Toor was elected to the office of County Commissioner on November 2, 2004; and

WHEREAS, pursuant to Section 138 of the Charter of the City of Boulder, a county commissioner cannot hold elective office under the Charter; and

WHEREAS, Councilmember Toor has indicated that he intends to resign from the Council on January 11, 2005, when he is sworn in as a County Commissioner; and

WHEREAS, pursuant to Section 8 of the Charter of the City of Boulder, as amended, the City Council in such circumstances shall by resolution call for a special election to be held within 60 days to fill the vacancy; and

WHEREAS, the Council has determined that it is in the best interest of the City to hold this special election by mail ballot;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO THAT:

1. There shall be a special election held on Tuesday, March 8, 2005, to fill the Council vacancy. This election shall be held by mail ballot.

2. The practice of the City Clerk in accepting the affidavit of consent of candidates and in verifying signatures on nomination petitions for this vacancy under Charter Sections 23 and 24 on and after January 4, but before the effective date of this resolution, is ratified. The form of the candidate's consent, as specified in Charter Section 27, shall be modified to reflect the fact that the election in question will be a special election, not a general election.

3. The last date for signing and completing petitions is Tuesday, January 25, 2005 and the last date for amending petitions is Friday, January 28, 2005.

5. The City Clerk shall certify and file the list of the candidates duly nominated on January 31, 2005.

6. The election shall be conducted under the provisions of the Colorado Constitution, the charter and ordinances of the city, the Boulder Revised Code, 1981, and this resolution, and all contrary provisions of the statutes of the State of Colorado are hereby superseded. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, and to contract with the County Clerk for conducting the election.

7. The City Clerk of the City of Boulder shall give public notice of the election in the manner required by Charter Section 31 and by law for Council elections.

8. This resolution shall become effective on January 11, 2005, immediately following the resignation of Councilmember Toor.

Passed and adopted this 21st day of December, 2004.

Mat Ryzga
Mayor

Attest:

Alicia D. Lewis
City Clerk on behalf of the
Director of Finance and Record

Exhibit C

**Timeline for City of Boulder Special Municipal Election
March 8, 2005**

Day/Date	Description	Notes
*	Establish CFR Expenditure Limit Guidelines Printed	After purge of voter records Time frame for Central Copy to print guidebooks Possible notice to newspapers of pending "Special Election"
Wednesday, January 4	Begin Petition Process	8:00 – 5:00 PM All Candidate Petitions must be signed at Municipal Building during regular business hours.
Friday, January 7	Submission of mail ballot plan to Secretary of State's office	Anticipated date of approval, January 24
Tuesday, January 11	Special Meeting of City Council called to accept Will Toor's resignation AND Resolution Calling for a Special Election	Special Election must be held within 60 days on a Tuesday
Thursday, January 20	Financial Training for Candidates and Treasurers	5:30-7:00 PM
Monday, January 24	Anticipated date of approval of Mail Ballot Plan by SOS	
Tuesday, January 25	Petition Process Ends	5:00 PM
Wednesday, January 26	Financial Training for Candidates and Treasurers	5:30-7:00 PM
Friday, January 28	Last day for Write-In Candidates, to Amend Petitions, or Withdraw	Noon
No Later Than NOON Friday, January 28	Statement of Organization 13-2-5 Financial Disclosure 13-2-3 Contributions & Expenditures Statement	First Report Due Within Three Days of Certified Petition First Report Due Within Three Days of Accepting a Contribution or Making an Expenditure
Monday, January 31	Hart Elections - Mark Carter	Requires 10 working days

		Certified ballots off for printing	
Monday, February 7		Voter Registration Closes for Election	
Friday, February 11		Ballots are ready	
Saturday, February 12		Earliest ballots can be mailed out	Probably will go out Monday, February 14
Tuesday, February 15		Contributions & Expenditures Statement 13-2-8	Due by 5 PM
Thursday, February 17		Publish Mail Ballot Election Notice	
Monday, February 21		Latest ballots can be mailed out	
Friday, February 25		Last day to apply for Matching Funds Matching Funds Qualifying 13-2-21 (a) Contract for Matching Funds 13-2-21 (b)	Due by NOON Due by NOON
Saturday, February 26		Ballots may be opened and counted	
Thursday, March 3		Written Certification of number of registered voters within the City	
Friday, March 4		Contributions & Expenditures Statement 13-2-8	Due by NOON
		Anticipated Contributions & Expenditures 13-2-8 (c)	Due by NOON
March 4-8		Publish Election Notice for five (5) successive days	Print in Boulder Daily Camera
Saturday, March 5		Ballot drop-off 10:00 a.m. – 2:00 p.m. @ 1750 33rd St., Boulder	Manned curbside drop-off of voted ballots (no replacement issued)
Tuesday, March 8		Ballot drop-off 7:00 a.m. – 7:00 p.m. @ 1750 33rd St., Boulder	Manned curbside drop-off of voted ballots (replacement ballots will be issued inside office)
March 8		Election Day	
March 15		Candidate Sworn In	
Thursday, April 7		Final Contributions & Expenditures Statement 13-2-8 (c)	Due by 5 PM
Friday, May 6		Extended Final 13-2-8 (d)	Due by 5 PM

Timeline for Official, Unofficial, and Issue Committees

Date Due	Time	Form #	Form
No Later Than Friday, January 28	NOON NOON	13-2-5 13-2-3	First Report Due Within Three Days of Certified Petition Statement of Organization Financial Disclosure First Report Due Within Three Days of Accepting a Contribution or Making an Expenditure
Tuesday, February 15	NOON	13-2-8	Contributions & Expenditures Statement
Friday, February 25	5 PM	13-2-8	Contributions & Expenditures Statement
Friday, March 4	NOON NOON NOON	13-2-21 (a) 13-2-21 (b) 13-2-8	Last day to apply for Matching Funds Matching Funds Qualifying form Contract for Matching Funds Contributions & Expenditures Statement
Thursday, April 7	5 PM	13-2-8 (c) 13-2-8 (d)	Anticipated Contributions & Expenditures Final Contributions & Expenditures Statement
Friday, May 6	5 PM	13-2-8 (d)	Extended Final

-LWF0000

July 2, 2004

Mr. Bill Compton
Director of Elections Department of State
1560 Broadway, Suite 200 Denver, CO 80202

Dear Billy:

We are seeking permission to conduct primary and general elections without the use of ballot stubs. We are doing this based on our interpretation of the Colorado Revised Statutes and because of the need to protect the secrecy of the ballot.

As you are aware, Boulder County will be using Hart InterCivic's BallotNow voting system in 2004. We will be using it to produce ballots-on-demand in early voting situations and to generate ballots as necessary at the Clerk's office. CRS 1-5-407(1.6) states that no ballot stub is required for a ballot produced on demand so long as the number of ballots produced for the election can be reconciled.

We will also be using BallotNow to generate ballot templates that will be used by a commercial printer to print ballots for the general election absentee and polling location ballots. It is these ballots for which we are seeking an exemption under 1-5-407(8).

BallotNow can generate ballots with stubs. However, BallotNow generates ballots with a sequence number (which is also bar coded) and if the ballot is generated with a stub the sequence number of the ballot is also printed on the stub. Because 1-7-109(1) states that the ballot number must be written in the pollbook next to the voter's name, the secrecy of the ballot would be compromised.

BallotNow allows two further options, neither satisfactory. The sequence number can be eliminated from the ballot with the bar code remaining or both the number and the bar code can be eliminated. In the first instance, the ballot is still tied to the voter, however subtly. In the second instance, the total elimination of the bar code eliminates three important functionalities of BallotNow that prevents a batch from being scanned a second time by accident; prevents someone from maliciously reproducing a ballot one or more times and casting those ballots; and prevents those scanning ballots from easily finding

problem ballots within a scanned batch that have been identified by an error message in a scanned batch report.

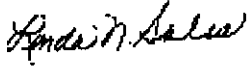
Our understanding, from discussions with your office, is that the chief concern about eliminating ballot stubs is the need to reconcile the number of ballots given to a precinct supply judge with the number of ballots cast and spoiled. We have devised a reconciliation method using three-part NCR forms. The forms will have a list of all ballot serial numbers in the packet of ballots, with a box to check next to each serial number to indicate whether that ballot serial number was issued and a box to check to indicate if the ballot was damaged or spoiled. Voters will also sign a two-part NCR sign-in slip, with one copy available for poll watchers and the other for election judges to verify the number of ballots issued. Next to each voter will be a means of checking that they were issued a ballot and two additional places to note whether they spoiled or damaged their ballot(s). The NCR forms and the pollbook will all be used to verify the number of ballots used and hence how many should be returned from the precinct. The information contained in the ballot inventory NCR form will be reported appropriately in the judges report form.

I am requesting that you give us an explicit written exemption from the use of ballot stubs while we use the BallotNow system. I am requesting a response from you as soon as possible as we must have our ballots printed in the very near

~LWF0000

future. Thank you for your attention to this matter.

Sincerely,



Linda Salas
Boulder County Clerk and Recorder

Permission under C.R.S. 1-5-407(1.6) BallotNow

Halicki, Tom

Page 1 of 1

From: Bill Compton [Bill.Compton@SOS.STATE.CO.US] Sent: Friday, July 02, 2004 2:11 PM
To: Salas, Linda; Halicki, Tom
Cc: Drew Durham
Subject: Permission under C.R.S. 1-5-407(1.6) BallotNow

Dear Ms. Salas:

This office is in receipt of your procedures regarding auditing and dealing with reconciliation of ballots utilizing the BallotNow system in Boulder County in the 2004 election cycle, received by this office via facsimile on July 2, 2004. Please be advised that we have reviewed the requirements of the law and your proposed plan of action and interpose no objection to your proposed plan. Therefore, you may conduct your primary and general elections without the use of ballot stubs as provided by C.R.S. 1-5-407(1.6).

Sincerely,
Bill Compton Director of Elections

7/7/2004

GES' CERTIFICATE OF ELECTION RETURNS
(CITY OF BOULDER)
§1-7-601 (2), C.R.S.

It is hereby identified and specified that:

Numeric and Spelled Out

Total Ballots Issued

- Original Mailings:
- Absentee Ballots:
- Emergency Ballots:
- Replacement Ballots:
- Issued to Inactive Status Elector:

Total Returned:

Total Ballots Returned

- Original Mailings:
- Absentee Ballots:
- Emergency Ballots:
- Replacement Ballots:
- Issued to Inactive Status Elector:
- Challenged Ballots:

Total Returned:

Total Ballots Not Counted

- Voided Ballots:
- Spoiled Ballots:
- Incomplete Ballots:
- Unreturned Ballots:
- Ballots Returned by the Post Office:
- Challenged Ballots:
- Rejected for insufficient information:

Total Not Counted:

Total Ballots Counted: _____
(equals total issued minus total not counted)

Total Ballots: _____
(equals total number listed in pollbook)

(All ballots voted shall be returned with the statement.)

Certified by us:

_____, Election Judge

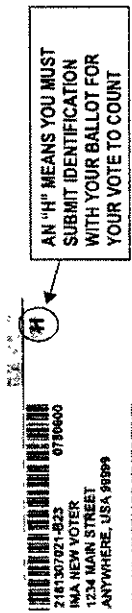
_____, Election Judge

First Time Voters Who Register By Mail

If you registered to vote for the first time in your county by mail, and you have not previously voted in the county, a copy of one of the following forms of identification is required with your mail ballot or absentee ballot if you did not provide the information with your registration application:

- A valid Colorado driver's license; or
- A valid Colorado Department of Revenue identification card; or
- A valid U.S. passport; or
- A valid employee identification with a photograph issued by the U.S. Government, Colorado state government, or any county, municipality, board, authority, or other political subdivision of the state; or
- A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States; or
- A valid U.S. Military identification card with photograph; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other governmental document that shows the name and address of the elector (A cable bill, a telephone bill, documentation from a public institution of higher education in Colorado containing at least the name, date of birth, and residence address of the student elector, or a paycheck from a government institution or private company are sufficient forms of ID); or
- A valid Medicare or Medicaid card; or
- A certified copy of a U.S. birth certificate; or
- Certified documentation of naturalization

If you did NOT submit proof of identification with your mail-in registration form, you will be required to provide proof of identification using the types of identification described above with your voted mail or absentee ballot. **ENCLOSE A COPY OF YOUR IDENTIFICATION, IN THE RETURN ENVELOPE, NOT IN THE SECRECY SLEEVE.** Any voter whose mailing label has an "H" (see example below) needs to submit identification for their vote to count.



Please contact the Boulder County Election office at 303-413-7740 if you have any questions about voting. For additional information, visit our web site at www.co.boulder.co.us/clk/elelections.
DESIGNATED DROP OFF SITE for voted Ballots (site open weekdays 8:00 A.M. to 5:00 P.M.; open 7:00 A.M. to 7:00 P.M. on Election Day - unless otherwise specified):
CLERK & RECORDER'S OFFICE - ELECTIONS DIVISION - 1750 33RD STREET, SUITE 200 BOULDER, CO

Drive-by drop-off will be available on Saturday, March 5 between the hours of 10:00 A.M. and 2:00 P.M., and on Election Day from 7:00 A.M. to 7:00 P.M.
REPLACEMENT BALLOTS: Any elector who spoils or defaces a ballot may obtain other ballots, one at a time, not exceeding three in all. If you spoil or deface your ballot, you may contact the Elections Dept. to get instructions on how to receive a replacement ballot. Call 303-413-7740.
BEGINNING February 14, 2005, REPLACEMENT BALLOTS MAY BE OBTAINED ONLY AT THE BOULDER OFFICE DURING REGULAR BUSINESS HOURS 8:00 A.M. to 5:00 P.M. (Open 7:00 A.M. to 7:00 P.M. on Election Day)

Failure to provide ID will result in your ballot being treated as a provisional ballot. Provisional ballots are counted when registration is verified. C.R.S. 1-7-5-107(3.5)(d).12.12

OFFICIAL SECRECY SLEEVE AND OFFICIAL INSTRUCTIONS CITY OF BOULDER SPECIAL MUNICIPAL MAIL BALLOT ELECTION MARCH 8, 2005

1. To vote, completely fill in the rectangular block beside the candidates you choose on your ballot with a dark blue or black ink pen, as shown here:



DO NOT USE FELT TIP PENS!

NOTE: To vote for Write-In candidates, completely fill in the rectangular block beside the words Write-In on your ballot with a dark blue or black ink pen, as shown above, and print the name on the line provided.

2. After voting is completed:

- Refold your ballot exactly as you received it and place your voted ballot into this SECRECY SLEEVE.
- Before returning your ballot, complete the Affidavit of Voter on the reverse side of the OFFICIAL RETURN ENVELOPE. Your signature is required by law; if these items are not completed, your ballot will not be counted.

AFFIDAVIT OF VOTER
 I have under penalty of perjury that I am an eligible elector that my signature, name, and address are as shown on the envelope for I have not and will not give my ballot to another person, nor will I allow another person to give my ballot to me. I have signed this affidavit in accordance with the provisions of the Uniform Election Code at 1992.
 Voter's Signature: *John T. Miller*
 Voter's Date: *2/17/05*
 My ID is: *Colorado Driver's License*
 My ID number is: *123456789*
 My ID expires on: *12/31/08*
 My ID was issued by: *Colorado*
 My ID was issued in: *USA*
 My ID was issued to: *John T. Miller*
 My ID was issued for: *John T. Miller*
 My ID was issued to: *John T. Miller*
 My ID was issued for: *John T. Miller*

➤ If required, place a photocopy of your identification into the OFFICIAL RETURN ENVELOPE (see ID requirements section on reverse side). **DO NOT PLACE IN SECRECY SLEEVE.**

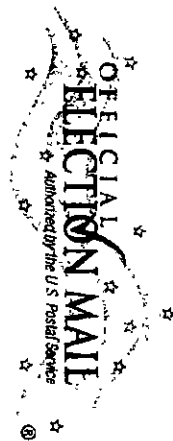
➤ Place the SECRECY SLEEVE (with voted ballot enclosed) into the OFFICIAL RETURN ENVELOPE and seal.

3. All ballots returned by mail must have proper postage affixed (37¢). Only one voter's ballot per envelope is permitted; if another voter's ballot is placed in a single envelope, neither shall be counted.

4. Ballots must be received by the Boulder County Clerk & Recorder's Office by 7:00 P.M. Election Day in order for the votes to be counted. Ballots received after 7:00 P.M. on Election Day will not be counted. **Postmarks do not count as receipt** - the ballot must be received in the County Clerk's office by 7:00 P.M. on Election Day.

5. Return your voted ballot in the OFFICIAL RETURN ENVELOPE to the Boulder County Clerk and Recorder's office by mail, or you may hand deliver the ballot to the Designated Drop Off Site at 1750 33rd Street - Suite 200 - Boulder, CO.

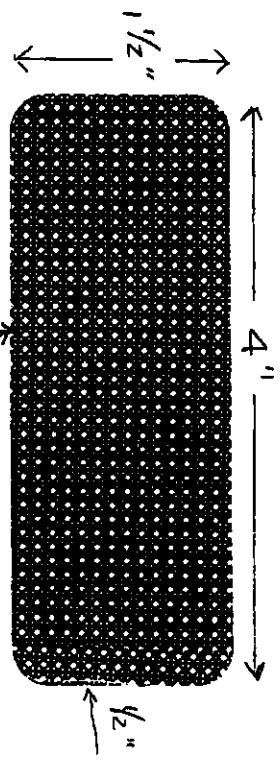
Linda N. Salas
Boulder County Clerk and Recorder
1750 33rd Street, Suite 200
Boulder, CO 80301-2546



NONPROFIT ORG
U.S. POSTAGE
PAID
Boulder, CO
Permit No. 465

RETURN SERVICE REQUESTED

Official Ballot Enclosed



FACE - CARRIER ENVELOPE - 6 1/8 X 9 1/2

PROOF O.K. AS IS
PROOF O.K. WITH CHANGES INDICATED
NEW PROOF REQUIRED
SIGNATURE _____ DATE _____

OK. *[Signature]* 1/27/05

PROOF O.K. AS IS
 PROOF O.K. WITH CHANGES INDICATED
 NEW PROOF REQUIRED
 SIGNATURE _____ DATE _____

BACK - CARRIER ENVELOPE 6 1/8 X 9 1/2

**This may not be your only ballot.
 Other elections may be held by other political
 subdivisions
 by mail or by polling place.**

*Sue Wojcik
 1/27/05*

NOTE
CHANGED TO
MAIL BALLOT
AFFIDAVIT

(NO WINDOWS)
FACE - RETURN ENVELOPE 6 X 9

Sue Wojcik
1/27/05

AFFIDAVIT OF VOTER

I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the Uniform Election Code of 1992.

X
Voter's Signature - (Signature Required)

TODAY'S DATE

*WITNESS
In case of applicant's disability or inability to sign personally, his/her mark shall be witnessed by another person.

For Election Office Use Only

IMPORTANT INFORMATION

1. This voted ballot MUST be received by the Clerk & Recorder's Office no later than 7:00 p.m. on Election Day to be counted. Postmarks DO NOT count as delivery or receipt; the voted ballot MUST BE IN THE CLERK'S OFFICE by 7:00 p.m. on Election Day.
2. Failure to sign the AFFIDAVIT OF VOTER will invalidate your ballot.
3. Voting more than once in the same election is a crime.

POSTMASTER - DO NOT DELIVER TO THIS ADDRESS

PROOF O.K. FOLIO

PROOF O.K. WITH CHANGES INDICATED

NEW PROOF REQUIRED

SIGNATURE DATE

From _____



IMPORTANT! FAILURE TO INCLUDE YOUR SIGNATURE ON THE BACK OF THIS ENVELOPE WILL INVALIDATE YOUR BALLOT.

BALLOTS MUST BE RECEIVED BY 7:00 P.M. ELECTION DAY

Official Ballot Enclosed

LINDA SALAS
ELECTIONS DIVISION
BOULDER COUNTY CLERK & RECORDER
PO BOX 9010
BOULDER CO 80301-9010



BACK - RETURN ENVELOPE (NO WINDOWS) 6 X 9

PROOF O.K. AS IS
PROOF O.K. WITH CHANGES INDICATED
NEW PROOF REQUIRED

SIGNATURE _____ DATE _____

*ok
Linda Salas
1/27/05*