

Public Ballots & Voter Privacy

HOW VOTER PRIVACY CAN BE COMPROMISED
WHEN VOTED BALLOTS ARE BEING MADE PUBLIC

What resources does one need to
identify how a person voted?

1. Voted Ballots
2. Election Materials/Reports
3. Motivation
4. Time

Accounting and Validation

Colorado Constitution – “The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted.”

We don't and won't chase it to the face of the ballot

We do ensure that every qualified vote counts

What is the argument?

Unique markings on a **ballot** are not the only way to identify how someone voted, and by themselves constitute an incomplete argument in favor of releasing ballots for public review.

Based on the computing power available to all, there are **LARGER THREATS** to voter privacy should ballots be available as open records.

Current Election Transparency

PUBLIC ACCESS OVERSIGHT OF COLORADO ELECTIONS

- 1. Publicly appointed Canvass Board**
- 2. Publicly appointed Audit and Testing Board**
- 3. Public Resolution and Duplication Board**
- 4. Election Judges**
- 5. Election Watchers**
- 6. Election Observers**
- 7. Election Contest**
- 8. Public Recount**
- 9. Court Ordered Review**

What's in place now?

How Far Does CORA Go?

VIRTUAL CORA (WORST CASE):

1. Entire ballot is exposed if voted ballots are available under CORA at any time.
2. Through the virtual CORA of available SCORE reports and batch/audit logs of canvass records it took 15 minutes to identify that Sheila Reiner's (and husband's) ballot style is unique in a specific batch of 24. It presently remains under seal.
3. Voters in Mesa County in Early Voting and Vote Centers are more exposed due to their limited number.
4. State law will require Risk Limited Auditing (2014): Current SOS pilot project reveals that the goal is for a single ballot as a batch.

Accountability vs. Transparency

- **REPORTING BY PRECINCT / VOTING METHOD:**
 - C.R.S. 1-8-308
- **RULE 41.2 DETAILED BALLOT LOG**
- **TABOR, COLORADO CONSTITUTION, ARTICLE X, SECTION 20**
 - Provided for Coordinated local elections, permitting a voter to receive a combination ballot, which created an increased number of unique ballot styles for voters in different districts and municipalities.

What made this possible?

LOW TURNOUTS AT SERVICE CENTERS:

- Found on EV-002 Early Voting List Export
 - * Data given out each day during election
- Two Voters came to vote on Day 1
 - * Service Center 1
 - * 1 voter for Precinct 79
 - * First Ballot on Service Center 1's ballots (VVPAT)

What is possible?

MAIL BALLOTS COULD BE TRACKED THROUGH ACCOUNTING PROCESS:

- * Able to find actual paper ballot through tracking open records & reports

Down The Rabbit Hole

- The following data can be compiled using,
1. The Election Log Report for a particular voter
 2. EX-004 Voter History List Export
 3. E-032 Absentee List (Public)
 4. All of the paper logs created during processing.
 5. Ballots in the order they were counted in.



SHEILA REINER
VOTER ID#: 2280737

Finding a Voter's Ballot?

#1 **VOTER PRECINCT:**

PRECINCT 23
* Found On SCORE Report E-032
* Data given out daily during an election

SCORE BATCH BALLOT PACKET WAS ACCEPTED IN:

#2

BATCH 75

- * Found On SCORE Report E-032
- * Data given out daily during an election

VOTER'S VOTING METHOD:

#3

MAIL BALLOT

- * Found on SCORE Report E-032
- * Data given out daily during an election

VOTER'S BATCH WAS TABULATED IN:

#4

TABULATION 3

- * Found on numerous tracking documents, on the ballot header sheet in tab 3 boxes with the ballots themselves

RESEARCH RESULTS:

Sheila's Ballot was one of two (the other belonging to Utah Reiner, residing at the same address) ballots of style 23-1 in SCORE Batch 75 which had 24 ballots in it. Batch 75 was tabulated as part of Tabulation Batch 3.

We could have went to the sealed ballot boxes marked Tabulation Batch 3 and searched for the SCORE Batch 75 header sheet and pulled out the two ballots marked as style 23-1.

CRAIG MEIS

- * Precinct: 9
- * SCORE Batch: 135 (Batch of 50)
- * 1 of 5 of style 9-1 ballot in batch
- * Tab Batch: 6

*More
Examples*

JANET ROWLAND

- * Precinct: 66
- * SCORE Batch: 570 (Batch of 11)
- * 1 of 2 of style 66-1 ballot in batch
- * Tab Batch: 29

STEVE ACQUAFRESCA

- * Precinct: 45
- * SCORE Batch: 132 (Batch of 50)
- * Only style 45-1 ballot in batch
- * Tab Batch: 6

STEVE KING

- * Precinct: 17
- * SCORE Batch: 253 (Batch of 23)
- * 1 of 2 of style 17-1 ballots in batch
- * Tab Batch: 11

*More
Examples*

LAURA BRADFORD

- * Precinct: 82
- * SCORE Batch: 134 (Batch of 2)
- * 1 of 2 of style 82-5 ballots in batch
- * Tab Batch: 6

RAY SCOTT

- * Precinct: 32
- * SCORE Batch: 295 (Batch of 50)
- * Only style 32-1 ballot in batch
- * Tab Batch: 11

Further Complications

Ballots received or cured within eight days after the election.

1. Military Ballots
2. Cured Ballots (Signature and I.D. Required)
3. Qualified Provisional Ballots

*Ballots Processed
After Election Day*

Additionally, State law will require Risk Limited Auditing (2014) Current SOS pilot project reveals that the goal is for a SINGLE BALLOT as a batch.

Preserve the records

As the Chief Election Official of your county, I have a duty to safeguard election records in the event of a recount, contest, audit, or investigation. We need to honor the intent of preserving the records.

If you doubt the system, contact us or volunteer to be an Election Judge.

