

**Elbert County, Colorado, Clerk and Recorder's Office**  
**2022 Primary Election Observation and Analysis**

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## Contents

Preface .....	3
Initial Meeting with Elbert County.....	3
Report Format.....	3
Pre-Processing Activities.....	3
Election Judge Training .....	4
Ballot Sorting.....	4
Signature Verification .....	4
Ballot Disassembly .....	5
Ballot Duplication.....	5
Ballot Scanning.....	5
Adjudication .....	6
VSPC Operations .....	6
Physical Security.....	6
Summary .....	6
Recommendation on Additional Oversight .....	6

## Preface

I was hired by the Colorado Department of State to monitor all decisions made and actions taken by Elbert County Clerk and Recorder Dallas Schroeder and his staff in matters relating to the 2022 Primary Election.

As an elections administrator with more than 20 years of experience I bring comprehensive knowledge of federal and state laws and rules pertaining to election administration. I also have practical knowledge of mail ballot processes and voter service and polling center (VSPC) operations, which allows me to analyze county processes to determine if they are compliant with Colorado law and Secretary of State rules, and to determine whether the county adopts best practices in elections administration.

My work in Elbert County began on June 13, 2022. Among other things, I was tasked with monitoring:

- Election judge training
- Mail ballot processing
- Ballot scanning and Adjudication
- VSPC operations
- Other relevant election-related activities

I was also tasked with submitting incidental, periodic, and a final election report opining whether the Secretary of State should extend, terminate, or modify Election Order 2022-09.

## Report Format

The following sections will outline:

- Observation of the County's procedures and legal compliance
- Industry Best Practice recommendations, where appropriate
- My opinion as to whether the Secretary of State should extend, terminate, or modify her Order

## Initial Meeting with Elbert County

Upon arrival at the County, I located the Elections office which is housed in the basement of the Samuel Elbert administration building. Rhonda Braun, Elections Director, provided me with a tour of the facility and a general overview of the County's processes. Based on the tour and overview, I asked County staff various follow up questions and documented those questions and the County's responses. Due to the timing of my arrival, the County had already completed Logic and Accuracy testing and initial election judge training.

Overall, I found County staff to be organized, cognizant of the importance of compliance with the applicable laws and rules and dedicated to proper election administration.

## Pre-Processing Activities

Beginning June 13, 2022, I observed staff conduct pre-ballot processing activities including ballot retrieval from the Post Office and ballot drop boxes, scanning returned ballot envelopes to capture voters' signatures, general voter communications, and various preparations for ballot processing. Ballot retrieval during pre-processing was typically completed by a Republican staff member and a Democratic election judge.

During pre-processing activities staff and I reviewed together Watcher Appointment requirements, as well as allowable and prohibited Watcher activities.

### Election Judge Training

Judges completed required online trainings prior to beginning ballot processing. I observed that in general, the County did not have a structured training for mail ballot procedures or VSPC operations. Staff indicated “on-the-job” training was utilized because the County had just completed a special district election and the judges had been recently trained. On the first day of processing, staff provided an overview of procedures to election judges, described as a “boot camp”, to supplement online training. The “boot camp” training relayed general information and did not include granular process descriptions.

- *Best Practice Recommendation 1:* While judge training was held in compliance with the law, the County should consider providing detailed training on each mail ballot process procedure before election judges begin their duties.

### Ballot Sorting

Bipartisan election judges retrieved returned ballots from the Post Office, the County’s three 24-hour ballot drop boxes, and a ballot box located in the foyer of the Samuel Elbert building. Judges transported returned ballots in bags appropriately sealed and logged.

Upon return to the Elections office, staff and judges verified seal numbers, opened the bags and sorted ballot return envelopes by location. Unaffiliated ballot return envelopes were sorted separately because they require additional processing in Primary elections to determine and record which party’s ballot the voter chose to return. Ballot return envelopes were then separated into batches, typically 25 envelopes in each batch, and digitally scanned.

### Signature Verification

Elbert County uses a system that digitally captures return ballot envelope signatures and allows judges to compare those images to a reference signature from the statewide voter registration system, SCORE. Both staff and election judges scanned return ballot envelopes.

The County employs a small number of judges that are well-trained and experienced with signature verification procedures and the software used in Elbert County. Those judges were typically paired with another election judge who were often performing signature verification for the first time. These judges did not appear to have knowledge of the guidelines provided in the Secretary of State’s Signature Verification Guide and received on-the-job training from the more experienced judge using live ballot signatures, which resulted in slowness and lack of process consistency.

- *Best Practice Recommendation 2:* To ensure accuracy and consistency, signature verification training should be held for all judges who will conduct signature verification before beginning their duties and prior to making determinations on live ballot envelopes.

At the signature verification station, judges used both the County’s software system and SCORE. These systems run in tandem on separate laptops. While functional, the screens for these laptops are small and provide poor visibility for election judges and watchers due to their physical placement and age, which hinders efficient signature review and provides watchers less than desired visual access.

- *Best Practice Recommendation 3.* The main monitor that judges use to view signatures should be replaced with a larger, newer screen that provides better visibility when comparing signatures.
- *Best Practice Recommendation 4.* The County should install a second monitor that mirrors the SCORE laptop screen so that signatures in SCORE are more easily visible to watchers and the judge that is not sitting in front of the SCORE laptop.

Election Rule 7.7.8 requires counties to “periodically audit signature verification judges”. Elbert County meets this requirement by informally monitoring decisions when judges have questions about a signature. However, the County lacks a structured, documented process for auditing judge’s decisions or their acceptance and rejection rates.

- *Best Practice Recommendation 5.* The County should create and implement a structured, documented audit process for signature verification judges.

Although the County could improve its signature verification processes, the County nonetheless successfully completed the process daily.

### Ballot Disassembly

The County disassembled ballots from return envelopes using bipartisan election judge teams. Ballot return envelopes for unaffiliated voters were processed separately by a 3-person team of judges to document whether the voter returned a Democratic or Republican ballot, or if the voter voted and returned both ballots. Ballot packets from voters who voted and returned both ballots were properly removed from batches, logged, and remain uncounted. I found the County’s disassembly process to be well-planned and efficient.

### Ballot Duplication

Elbert County duplicates ballots primarily during disassembly when a stray mark, torn ballot, or other problem is discovered. The County uses a bipartisan team of judges to duplicate original ballots using an ICX machine and substitutes the duplicated ballot for the original within the existing batch. The original ballot is kept in a secured box. While original and duplicated ballots are numbered and logged in accordance with Secretary of State rules, the County does not have a quality control process in place to ensure ballots are accurately duplicated.

*Best Practice Recommendation 6.* The County should establish a Quality Control process to verify that election judges accurately duplicate ballots.

### Ballot Scanning

Elbert County disassociated ballots from initial batches into “scanning” batches, which protects voter anonymity, by combining multiple SCORE batches into scanning batches of 50. Ballots were then scanned with Dominion equipment and stored for retention. During the 2022 Primary election, Clerk Schroeder chose to wait until Election Day to begin scanning ballots for tabulation. Waiting to scan ballots until Election Day creates unnecessary risk for encountering problems such as technical or hardware malfunctions and could cause delayed results reporting.

*Best Practice Recommendation 7. The County should begin tabulation scanning several days prior to Election Day in order to ensure sufficient time to mitigate technical, hardware, or other issues that might arise.*

### Adjudication

Elbert County adjudicated ballots using a bipartisan team of election judges in a manner consistent with Rule. Judges referred to the Voter Intent Guide when questions arose.

### VSPC Operations

The County operates one VSPC in the lobby of the Elections office. Bipartisan teams of judges assisted voters, often with the direct oversight of County staff. Judges verified all appropriate seals daily and properly stored ballots. County staff was very diligent in monitoring VSPC operations and ensuring correct procedures were followed. However, the County utilized on-the-job training, which required considerable support from staff. VSPC turnout was very low until Election Day when the VSPC saw steady and sustained voter traffic that was efficiently handled.

### Physical Security

The County processes ballots in two rooms. The doors to these rooms are not self-closing or self-locking and I observed doors left open while judges and staff moved to other areas. While County staff generally watch the public area connected to these doors and has installed a motion alarm that plays music when someone walks down the stairs to the Elections Office, there could be an opportunity for unauthorized entry into ballot processing areas.

*Best Practice Recommendation 8. The County should install self-closing and self-locking doors in ballot processing areas to deter physical security breaches.*

### Summary

Elbert County conducted the day-to-day operations of administering the 2022 Primary Election through Election Day in substantial compliance with applicable laws and rules. County staff were diligent, thoughtful, and voter-focused. The County has implemented compliant processes but could benefit from adopting the Best Practice Recommendations listed above to improve efficiency, accuracy, transparency, and security.

### Recommendation on Additional Monitoring

Given that the County's observed processes are substantially compliant with applicable laws and rules, and, given that Elbert County successfully conducted operations through Election Day during the 2022 Primary Election, it is my opinion that daily monitoring and oversight is no longer necessary. The County appears well-equipped to conduct future elections with current staff, facilities, and resources. Therefore, it is my recommendation that the Secretary terminate her Election Order 2022-09, dated June 9, 2022, at this time.