

**SIXTY-SIXTH GENERAL ASSEMBLY
STATE OF COLORADO**

**FINAL REPORT
of the
2007 VOTER CHOICE TASK FORCE**

March 2008

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TABLE OF CONTENTS

	Page
Executive Summary and Recommendations	1
I. Introduction.....	4
• Definitions and Key Terms, Definitions of Voting Methods with Perceived Advantages and Disadvantages	
II. Background and Findings	6
• Perceived Problems with the Current Electoral System	
• Evaluation Criteria	
• Procedures	
• Experience in Other Locations	
• Possible Implementation in Colorado	
▪ Provisions of Colorado Law	
▪ Views of Colorado Major Political Parties	
▪ Views of Voting Equipment Vendors	
III. Appendices.....	10
A. Task Force Membership List	
B. Minority Statement by Ronald Forthofer	
C. “A Colorado Democratic Vision: A Modern Electoral System” by Frederick Ellis	
D. Persons Who Testified	
E. Resources	
F. Evaluation Criteria Grid	
G. Sample Ballot	

EXECUTIVE SUMMARY

The Voter Choice Task Force (VCTF) was established in June 2007 subsequent to the introduction of HB 07-1162 *The Voter Choice Act of 2007*, a bill that was introduced in the first session of the 66th Colorado General Assembly. Although the bill did not become law, the Task Force was authorized to investigate voting reform which was at the heart of the legislation. The VCTF was charged with three objectives: review Colorado's plurality electoral system, study alternative voting methods (AVM), and determine whether any changes to Colorado's electoral system are needed.

Interest in exploring voting reform as described in HB 07-1162 arose as a result of changes implemented in jurisdictions outside of Colorado, as well as local Colorado efforts to adopt similar laws and procedures. Ranked Choice Voting, also known as Instant Runoff Voting (IRV) is the reform that has been adopted more than any other. IRV allows electors to rank candidates in order of preference (1st, 2nd, etc.). First choices are tabulated, and if a candidate receives the majority of first choices, or fifty percent plus one vote, he or she is elected. If no candidate receives a majority of first choices, the candidate with the fewest number of votes is eliminated, and ballots cast for that candidate are redistributed to the remaining candidates according to the voters' indicated preference. This process is repeated until one candidate obtains a majority. In addition to IRV, Proportional Representation, Range Voting and Approval Voting were investigated by the VCTF.

Jurisdictions have instituted IRV as a result of the desire to strengthen majority rule, a fundamental principle of representative democracy, and to address inequities in the plurality or "winner take all" system such as the "spoiler effect" and "vote splitting". The spoiler effect can be defined as when a third party or independent candidate receives enough votes where it can be perceived that the outcome of that election was determined as a result of participation by that third party or independent candidate. Vote splitting may occur in an election when more than two candidates are running for an office and the candidate who receives a plurality of the votes may actually be opposed by the majority of voters. In either event, a candidate is elected with less than 50% of votes cast. Where IRV has been adopted, it is generally believed that the new voting system has increased choices available to voters, more accurately represent voters' sentiments and have lead to an increase in citizen participation.

Some of the jurisdictions that have adopted IRV are municipalities such as San Francisco, California; Minneapolis, Minnesota; Burlington, Vermont; Sarasota, Florida and Basalt and Aspen, Colorado. The State of North Carolina has an official pilot program, and elections have been run using IRV. The State of Washington passed legislation allowing cities and counties to use IRV, and Pierce County has recently adopted it. Several states including Arkansas use IRV for overseas voters.

The 11-member, multi-partisan task force consisted of two state legislators (one from each of the major political parties,) a representative of the Secretary of State's Office, a County Clerk and Recorder from each of the major political parties, and six citizens representing the two major political parties, two minor political parties and two unaffiliated electors.

The VCTF met from June to December 2007 and actively encouraged citizen participation and testimony. The task force received presentations and information from interested parties, and through this process, learned a great deal about voting systems and related issues such as voting security and public financing of elections.

In order to consider any recommendations, it was important to understand how our current state, county and municipal electoral systems function with regard to Colorado constitutional and statutory provisions and relevant federal regulations, and how these requirements might relate to voting system changes. Furthermore, it was important to develop a systematic and objective methodology for evaluating voting systems that uses a broad and inclusive set of political criteria.

RECOMMENDATIONS

The Voter Choice Task Force hereby recommends that the Colorado Legislature institute public policy establishing a multi-step pilot program for the implementation of Ranked Voting Methods. Specifically, these Ranked Voting Methods are Instant Runoff Voting (IRV) for single-seat elections, and Proportional Representation (PR) for multi-seat elections. The VCTF recommends that the pilot program begin with a total of 12 local governments for local elections beginning in 2009. Also, that the Legislature require that all voting equipment used in the state be able to conduct Instant Runoff Voting and Proportional Representation elections.

I. INTRODUCTION

The Voter Choice Task Force was established in June of 2007 for the purpose of studying a variety of alternative voting methods, including but not limited to IRV, that promote majority rule as a fundamental principle of representative democracy.

The task force met once a month from June 2007 to December 2007. The activities of the VCTF included:

- Reviewing different AVM and determining that four methods warranted additional study: IRV, Approval Voting, Range Voting and Proportional Representation;
- Analyzing the requirements for implementing each of the four AVM studied in depth (including public education, voting equipment and technology, and ballot design);
- Investigating costs of using AVM in elections for local, state, and federal offices and savings due to the elimination of primary elections and avoiding conventional runoff elections;
- Determining level of public support for changes in voting methods, including feedback from major parties, the League of Women Voters and a variety of political groups which advocate different forms of AVM;
- Reviewing the experience of other states in conducting elections using AVM;
- Looking into statutory changes needed to conduct a pilot project using selected AVM and subsequently implement AVM in all elections for state and federal elections; and,
- Investigating what is required for all voting systems used in the state to be compatible with AVM within a designated time frame.

Definitions of Key Terms and Voting Methods:

Key Terms

Alternative Voting Methods (AVM): This term refers to a voting method that 1) allows a voter to indicate a preference for more than one candidate in an election and 2) that determines the winner of the election by majority vote. AVM include but are not limited to Instant Runoff Voting, Approval Voting, Range Voting, and Proportional Representation.

Multi-Seat Election: An election where more than one official is elected in a single contest. For example: a city council election where all the members are at-large, or as in the Denver City Council at-large seats, where an elector is allowed to vote for more than one candidate.

Ranked Voting Method: A method of casting and tabulating votes that allows electors to rank candidates for an office in order of preference and uses these preferences to determine the winner of the election.

Single-Seat Election: An election where a single winner will be determined. For example, an executive such as mayor or governor, or a state legislator.

Spoiler Effect: The spoiler effect can be defined as when a third party or independent candidate receives enough votes where it can be perceived that the outcome of that election was determined as a result of participation by the third party or independent candidate. For example, candidate A gets 47% of the vote, candidate B gets 49% of the vote, and candidate C gets 4% of the vote, and it could be perceived that without the participation of candidate C, candidate A would have won the election.

Vote Splitting: This is a phenomenon that is closely related to the spoiler effect. Vote splitting is the distribution of votes among similar candidates in a situation that decreases the likelihood of winning for any of the similar candidates. For example, if 30 percent of voters prefer candidate A, another 30 percent prefer a similar candidate B, and the remaining 40 percent prefer a dissimilar candidate C, then plurality voting identifies candidate C as the winner, even though a majority of voters (60 percent) prefer either candidate A or candidate B.

Voting Methods and Perceived Advantages and Disadvantages

Approval Voting: In this method, an elector votes “yes” for as many candidates as he/she supports. The candidate with the most votes wins. It can be used for both single-seat or multi-seat elections.

Advantages: This method uses a procedure that may be easy for most voters and election administrators to understand. It could decrease negative campaigning because candidates want to make themselves acceptable to a wide range of people. This method may also increase voter turnout because people can vote for who they want without fear of “wasting” their vote or causing a “spoiler.” Hence, this method may give third party or independent candidates a better opportunity to win.

Disadvantages: Approval Voting does not require a majority of votes to win. It may result in multiple winners, and it can lead to defeat of an elector’s most preferred candidate if a citizen votes for more than one candidate since no degree of preference is reflected. In at least one documented case, use of Approval Voting led to voters “bullet voting”, or choosing only one candidate in a contest. In effect, the result was a return to Plurality. Currently, Approval Voting is not in use in any jurisdiction in the US.

Instant-Runoff Voting (IRV): This is a voting system used for single seat elections in which voters have one vote, yet have the option of ranking candidates in order of preference (first, second, third, etc.). First choices are tabulated, and if a candidate receives the majority of first choices, or fifty percent plus one vote, he or she is elected. If no candidate receives a majority of first choices, the candidate with the fewest number of votes is eliminated, and ballots cast for that candidate are redistributed to the remaining candidates according to the voters' indicated preference. This process is repeated until one candidate obtains a majority.

Advantages: The person elected will have the support of the majority of voters. This method could reduce both election administration costs and campaign expenditures by eliminating traditional two-election runoffs, and by possibly combining primary and general elections. Moreover, in two-round runoffs, second round elections tend to have lower voter participation than first round elections; hence, IRV would more likely yield a more accurate representation of voter sentiment since results would be based on a larger number of votes. This method expands the range of choices available to voters by allowing them to vote for candidates of minor political parties or unaffiliated candidates without fear of giving an advantage to the candidate they least prefer. IRV is currently in use in the United States, and has been adopted for use in upcoming elections in several jurisdictions.

Disadvantages: Although voting machines programmed for IRV now exist, in some cases it would be necessary to purchase new equipment. Voters and election judges would need to be educated about the new process. Also, prior to the elections, rules would need to be created for breaking ties.

Plurality Voting: This is an a voting system in which a candidate wins a contest by receiving the greatest number of votes. Note that this system does not require that the winner have a majority, but only the greatest number of votes cast. In single winner plurality voting, each voter is allowed to vote for only one candidate. This method is used in the United States for most single-seat elections. Plurality Voting is also referred to as “winner-take-all”.

Advantages: Supporters of this method cite how it preserves the "one person, one vote" principle wherein each voter is only able to cast one vote in a given election, and where that vote can only go to one candidate. Another advantage of this method is that it involves a relatively simple procedure. It is also familiar and requires no change in technology or voting equipment.

Disadvantages: Results produced by Plurality can be an inaccurate representation of voter sentiment because the winner may only receive support from a minority of voters, yet still be elected to office. To a much greater extent than many other voting methods, plurality systems encourage electors to choose one of the candidates they predict are most likely to win, even if that candidate is not the citizen’s true preference, because a vote for a third party or independent candidate may be perceived as a “wasted” vote. This may discourage citizens from casting ballots for a third party or independent candidate, even though that person is who the voter truly prefers. Also, Plurality Voting can discourage voting when citizens believe they know who will win the contest in advance of election day. This may lead to lower voter turnout. Furthermore, it is possible that negative campaigning may be encouraged by Plurality Voting.

Proportional Representation (PR): A principle of elections that says voters should win representation in proportion to their share of the electorate. It aims at ensuring a close match between the percentage of votes that groups of candidates (grouped by a certain measure) obtain in elections and the percentage of seats they receive (usually in legislative assemblies). Many voting methods embody the principle of proportional representation. Common to them all is that they use multi-winner districts and empower each voter to help elect a representative to the extent of theoretical limits. This method is used for multi-seat elections and usually produces winners from each party as well as more women and minority legislators.

Advantages: In practical terms, proportional systems tend to give results with different properties, at least compared to traditional plurality systems. Namely, PR tends to create more fractionalized results with small, often single-issue parties or candidates. Whether this is a desirable or undesirable property is hotly debated.

Disadvantages: A “split vote” can occur in proportional representation methods that use election thresholds, such as in Germany and Turkey. In these cases, "fringe" parties that do not meet the threshold can take away votes from larger parties with similar ideologies. Also, arguments against proportional representation claim that a legislature dominated by factions is sometimes unable to form a consensus on a particular issue.

Range Voting: In this method the voter gives a score (e.g. 1-10) to each candidate or X for abstaining. The highest numerical score wins. This system can be used for both single-seat or multi-seat elections.

Advantages: This method is similar to giving grades to candidates. It also reflects degree and intensity of voter preference, and it discourages strategy voting. It may increase voter turnout since electors can cast ballots for whom they truly support without fear of “wasting” their vote. Range Voting may also “level the field” for third party and independent candidates and encourage them to run for office.

Disadvantages: Although the basic procedure is simple, it may be difficult for an elector to translate judgments about candidates to numerical values since there are no standards for choices. It is currently not in use in any jurisdiction in the United States.

II. BACKGROUND AND FINDINGS

Perceived Problems of Current System

The impetus for HB 07-1162 was an interest in investigating election systems that could more accurately represent voters' sentiments, that may increase citizen participation, that could strengthen majority rule and address such voting issues as when officials are elected with less than a majority of ballots cast (i.e. vote splitting and the spoiler effect).

Some examples of results produced by the Plurality system that may be perceived as inequitable are:

- In the Presidential contest of 1992, Democrat Bill Clinton was elected with less than a majority of the popular vote. Independent H. Ross Perot received approximately 19 million votes. Ballots cast for Perot may have otherwise gone to then President George H.W. Bush, possibly giving him a second term.
- In Florida in the 2000 election, it is widely believed that votes for Green Party candidate Ralph Nader cost then Vice President Al Gore to lose the state, thus giving the election to Republican candidate George W. Bush.
- In Colorado, the 2002 race for Congress in the 7th Congressional District was between Democrat Mike Feeley and Republican Bob Beauprez. Beauprez was elected by a few hundred votes. However, a third party candidate received over 3,000.
- In the 2006 election in the 4th Congressional District, Rep. Marilyn Musgrave was re-elected with less than 50% of the vote due to the participation of a third party candidate.

In each contest, the winner was elected with less than a majority of the vote, and it can be perceived that a third party candidate possibly "spoiled" the race.

Evaluation Criteria

The VCTF chose the following criteria for evaluating AVM:

- Real voice/no fear of wasting vote/addresses spoiler effect;
- Increase voter turnout;
- Simplicity of procedure;
- Ease of administration;
- Fair party representation;
- Positive campaigning;
- Resistance to voter fraud/manipulation;
- Balanced gender and ethnic representation;
- Balanced geographic and cultural representation;
- Works with existing machines and equipment and costs associated with upgrading;
- Recommended for single winner and/or multi winner;
- Whether to implement as a pilot project for single winner elections; and,
- Whether to implement as a pilot project as proportional representation in at-large elections.

Procedures

The work plan of the Voter Choice Task Force had the primary objectives of studying alternative voting methods and analyzing the requirements for implementing the voting methods reviewed. These requirements included public education, voting equipment and technology, ballot designs, and the costs of conducting pilot projects. The task force also investigated the possibility of using alternative voting methods for state and federal offices, and potential savings from the elimination of run-off and primary elections. The work plan also included reviewing the experience of other states, counties and municipalities that have conducted elections using alternative voting methods.

Experience in Other Locations

A number of jurisdictions in the United States have implemented alternative voting methods. The following were specifically studied by the VCTF.

Wake County, North Carolina:

The state of North Carolina implemented IRV pilot programs in 2006. Testimony was given by John Gilbert, Board of Elections Chair of Wake County. The cities of Cary and Hendersonville, both in Wake County, used IRV for mayoral and city council elections in 2007. The method that was used was as follows: voters were allowed to rank up to three candidates, unless there were less than 3 candidates. They used DRE and OpScan voting machines. Absentee ballots were available, and the Board of Elections also did a hand count. According to Mr. Gilbert, overall costs for the election were minimal due to support from various not-profits and volunteers. He noted that by eliminating the need for a runoff election, approximately \$62,000 was saved, based on past election cost data. No recertification was needed of voting equipment since it was officially a pilot program.

According to Mr. Gilbert, there was significant bipartisan support in the state legislature. Prior to election day, various public education efforts were implemented regarding the new voting systems, including demonstrations of voting procedures, announcements in utility bills, poll workers offering assistance, television announcements, and other methods of education. The Board of Elections began efforts of public education on in August of 2007 with elections held in October of that year.

In an exit poll designed by North Carolina State University and Democracy North Carolina for the Cary Town Council Districts B and C, 72% percent of voters preferred IRV, 96% of voters stated that the IRV ballot was at least "somewhat easy to understand" and 82% stated that it was "very easy" to understand. The study also found no significant correlation between different types of voters (i.e. whites vs. non-whites, males vs. females, or higher-income vs. lower income) and their understanding or preference for IRV; voters evaluated IRV roughly equally. Mr. Gilbert expressed that he felt voter turnout would have been lower in the runoff election.

Burlington, Vermont:

Jo LaMarche, Elections and Records Director testified regarding use of IRV by of the City of Burlington. The method of IRV used was as follows: Each voter was allowed to as many rankings as there were candidates. For example, if there were 9 candidates, voters would rank their top 9 choices. Accuvote voting machines were used, as well as Choice+Prop system, which is a tabulation software developed by LSH Associates. In Vermont, voting machines were not required to be recertified.

The Burlington City Charter was changed in order to authorize use of IRV in place of traditional two-round runoff elections. The process of making charter changes began with an advisory referendum in November of 2004. The city proceeded with actual changes to regulations in March of 2005. The population of Burlington is approximately 40,000, with 24,000 registered voters. During the most recent elections in November of 2007, voter turnout was approximately 10,000 voters. Absentee ballots were available. Overall, Ms. LaMarche indicated that she felt voter turnout would have been significantly lower in a runoff election, which was eliminated by the use of IRV.

San Francisco, California:

The state of California permits any city or county to conduct a local election using IRV. San Francisco implemented IRV in 2003. According to exit polls by the SFSU Research Institute 2005 exit poll, 87% understood IRV fairly well or perfectly well. 51% preferred IRV whereas 17% preferred traditional runoff elections. The primary obstacles cited in the experience of San Francisco were voter confusion about the ranking process and the time-lag in tallying results due to a requirement that every ballot had to be manually checked before counted. This was because if a voter failed to rank three choices, the ballot would be rejected by the counter. Other concerns were

that voters with low-education levels and non-English speaking voters were more prone to misunderstanding the new changes in the voting procedures.

Possible Implementation in Colorado

Provisions of Colorado Law

The following excerpts are from specific articles of the Colorado Constitution and state statutes regarding Home Rule Municipal Authority (home rule) for cities and towns. The home rule charter allows an individual city or town to enact law specifically in the interest of that individual city or town; hence, home rule provides municipalities broad authority especially with regard to elections. An individual city or town with a home rule charter may pass an ordinance to implement IRV, however, if the city charter defines how local elections must occur then a charter change is required. The provisions of a home rule charter take precedence over any conflicting state statutes, but do not supersede the U.S. Constitution or state constitution. For municipalities without a home rule charter, state legislation could grant authority to statutory towns and cities to change elections rather than mandate IRV or PR allowing for discretionary versus mandatory changes specific to their electoral systems.

According to testimony given by the Office of Legislative Legal Services, there does not appear to be any obvious Colorado constitutional, statutory or case law bar to implementing the pilot program as recommended by the VCTF. However, it should be noted that the state constitution defines the winners of state offices (e.g. governor, lieutenant governor, secretary of state, attorney general, and treasurer) as the candidates having “the most votes,” which may be interpreted as having a plurality of votes. Nevertheless, there is currently no statutory or case law in Colorado which limits the definition of the “most votes” to plurality.

State Constitution, Article IV

[Applies to governor, lieutenant governor, secretary of state, state treasurer and attorney general]

Section 3. State officers-election-return... *The joint candidates having the highest number of votes cast for governor and lieutenant governor, and the person having the highest number of votes for any other office, shall be declared duly elected,* if two or more have an equal and highest number of votes for the same office or offices, one of them, or any two for whom joint votes were cast for governor and lieutenant governor respectively shall be chosen thereto by the two houses on a joint ballot. Contested elections for the said offices shall be determined by the two houses on joint ballots in such manner as may be prescribed by law. (emphasis added)

State Constitution, Article V

Section 45. General Assembly. The general assembly shall consist of not more than thirty-five members of the senate and of not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.

State Constitution, Article XXI

[Applies to recall elections involving “every elective public office of the state of Colorado”]

Section 3. Resignation-filling vacancy... If the vote had in such recall elections shall recall the officer then *the candidate who has received he highest number of votes for the office thereby vacated shall be declared elected* for the remainder for the term and a certificate of the election shall be forthwith issued to him by the canvassing board. (emphasis added)

State Constitution, Article XX

Section 6. Home rule for the cities and towns. The people of each city or town of this state having population of two thousand inhabitants as determined by the last preceding census taken under the authority of the Unites States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matter.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

...From and after the certifying to and filing with the secretary of state of a charter framed and approved in the reasonable conformity with the provisions of this article, such city or town, and the citizens thereof, shall have the powers set out in sections 1,4, and 5 of this article and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct, and control:

...

...d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election system, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes non-partisan in character.

Views of Major Political Parties on Alternative Voting Methods

Colorado Democratic Party:

Testimony was given by Bill Compton, Political Director of the Colorado Democratic Party, on October 17, 2007. He expressed that the Colorado Democratic Party does not oppose alternative forms of voting. However, he stated that it is important to proceed cautiously. He expressed that there is no monolithic party mindset yet regarding alternative voting methods, as issues regarding AVM had been discussed among county chairs and state executive director but not among members of legislature. According to Mr. Compton, the party does support implementing pilot programs as well as public education of alternative voting methods.

Mr. Compton expressed a preference to begin with a pilot program for non-partisan municipal elections and not in a partisan context, and expressed opposition to implementing any alternative voting methods in 2008 partisan elections. He expressed his concern that the lack of knowledge of effectiveness in partisan elections would make it difficult to know how exactly these electoral changes would affect parties; however, he indicated the party's support for a pilot program for municipal elections and follow-up study/analysis of elections, as well as study of probable impacts on partisan elections. Furthermore, he indicated that the Colorado Democratic Party Platform supports public financing of elections, per a consensus passed in a 2006 resolution by the Platform Committee. He also indicated that verifiable paper trails were also important to any voting reforms, and recommended publicly funding an educational program for voters.

Colorado Republican Party:

No representative from the Colorado Republican Party was available to testify before the committee.

Views of Voting Equipment Vendors

Equipment and technology could be a major component in implementing alternative voting methods. Various equipment vendors testified before the Voter Choice Task Force and relayed their experiences and thoughts regarding AVM. Representatives from the following companies gave presentations to the VCTF:

- **Elections Systems and Software:** Steve Bolton, *Vice President, Product Management*,
- **Sequoia Voting Systems:** Ed Smith, *Vice President, Compliance/Certification/Quality*,
- **Premier Elections Systems:** Dana LaTour, *Senior Sales Consultant*,
- **Hart Interactive, Inc.:** Andy Rogers, *Director, Elections Development*

Although the experience and capabilities of each company varied, each was able to comment on certain issues that were of primary concern in the implementation of AVM. The main concerns noted by vendors included certification, necessary technological changes, ballot design, and costs of implementation.

The basic types of technology available for implementing AVM are optical scanners and touch screen. In order to process IRV, all data must be collected, sent via modem as encrypted data, downloaded onto memory card, brought to a central station to be verified, and then processed. Vendors noted the merits of having test runs with new technology, as one reason for delays in the actual voting process is improper knowledge of equipment that is required. Some systems have the capacity to send subtotals to be tabulated, whereas other systems must have all data before it can be tabulated. For IRV, all data must be collected before it can be tabulated. This is because this method counts first choices then eliminates the least amount of first choices votes; thus, this information would not be known until all data is collected.

One of the main challenges noted by vendors regarding system implementation involves ballot layout, which can affect errors in tabulation. The success of transition to a new system can depend on the complexity of the ballot. Many existing systems are able to handle Ranked Voting Methods through proper ballot design, yet there is a need to pay attention to mixed-system implementation (in person, absentee by mail, early etc). Most of the current systems in Colorado could to a certain degree accommodate IRV, however certification standards would have to be met. Anytime there is a change in a system, the system must be re-certified and must be re-tested, which incurs more costs. The common experience among equipment vendors regarding certification is that the federal certification processes are lengthy and have been taking approximately a year or more to complete, depending on the type of voting system.

There is little substantial guidance in past federal certification standards for developing AVM. The drivers of market change and of state certification changes come from perceived holes in federal processes, increased awareness, and increased voting regulations. These drivers of change also include bloggers, activists, public officials, election officials. The election of 2000 has also been noted as a driving force in changing voting system standards. Equipment vendors noted that federal certification regulations are silent on AVM; there is a need to put standards in place as current standards are relatively incomplete. Vendors also advised that it is best to allow assistance of equipment companies in certification processes of voting systems, as poorly written rules will cause more bottle-necks and necessitate re-writing. Due to increasing costs, vendors recommended that it is best for states to address issues upfront.

Other major issues were the type of timeframe necessary to complete the certification and manufacturing processes, as well as the costs associated with these changes. Both of these issues would depend on which specific changes were needed in the current system, and would depend on which methods were implemented. For example, Ms. Latour (Premier Elections Systems) noted the results of an evaluation in 2004 that estimated \$500,000 (just for two programmers) would be needed to develop a new system, not including certification process or new hardware. She also noted that minor software change would require 18 months, 3 1/2 years for major software change and 4 1/2 years for hardware change. Also, with regards to pilot projects, equipment vendors recommended that any pilot project should be run in multiple precincts, whose results would be combined in order to receive sufficient data.

APPENDIX A: VOTER CHOICE TASK FORCE MEMBERS

The Voter Choice Task Force consisted of 11 members:

Two Members of the General Assembly

Rep. John Kefalas (D-Fort Collins)

Rep. Jim Kerr (R-Littleton)

Secretary of State or Designee

Dana Williams (Communications and Legislative Affairs, Department of State)

Two County Clerks and Recordors or Equivalent Officers

Scott Doyle (R-Larimer County)

Gilbert Ortiz (D-Pueblo County)

Two representatives of Major Political Parties:

Rick Van Wie (D-Denver)

Natalie Menten (R-Littleton)

Two representatives of Minor Political Parties

Jan Kok (Libertarian-Fort Collins)

Ron Forthofer (Green-Longmont)

Two Unaffiliated Electors

Renee Wright (Denver)

Trena Anastasia (Fort Collins)

APPENDIX B

Minority Statement on Conclusions Made by the Panel to Examine Advanced Voting Methods

By Ron Forthofer
December 31, 2007

Even though I don't think that instant runoff voting is a panacea or the best reform we could have selected, I support the conclusions made by the panel on advanced voting methods. I think that we did a good job under the leadership of Representative John Kefalas, and I want to thank Rep. Kefalas for his efforts to extend democracy in Colorado. However, there was not sufficient time for us to adequately address three areas that were closely related to, but a little outside our scope.

Counting the Ballots

I wish to again stress the importance of an accurate vote count. A quote widely attributed to Josef Stalin – “The people who cast the votes decide nothing. The people who count the votes decide everything.” – reinforces this point. We have seen widespread problems with electronic voting, particularly with direct recording electronic (DRE) voting machines. The National Committee on Voting Integrity (<http://votingintegrity.org/>) and Open Voting Consortium (<http://www.openvotingconsortium.org/>) are just two of many groups that have provided lots of information re this issue.

Earlier this year the Secretary of State of California Debra Bowen decertified DRE voting machines, but then allowed three types to be used conditional upon security improvements and post-election auditing procedures. Colorado Secretary of State Mike Coffman recently decertified some DREs and some optical scan machines for use in Colorado for the 2008 election. Pressure is building for the use of paper ballots in Colorado with support from some key leaders including Coffman himself and State Senate Majority Leader Ken Gordon. Note that paper ballots can be counted by hand and do not require the use of optical scan machines. County clerks are pushing for elections by mail but Coffman opposes this approach.

A key point concerns the fact that we have privatized one of the most important procedures in the United States, the counting of ballots. Why in the world would we give private companies control over our elections? Why do we allow private companies to claim that their computer codes are proprietary and therefore not available for government inspection? Why would a government allow elections to be conducted with no way to determine whether or not the outcomes were correct? This privatization of ballot counting must be reversed, and the counting must be returned to the government. I hope that the Colorado Legislature will support the push for paper ballots and the counting of them by hand.

Public Financing of Campaigns

Big money has corrupted our electoral and political systems. This statement does not imply that all or most politicians are corrupt. All it takes is a few bad politicians to destroy the public's trust. However, the problem is not with politicians per se, but with a system that requires them to raise enormous sums of money for political campaigns. For example, politicians at the national level spend around half of their time raising funds for their next race. The special interests that contribute large amounts have an easier time gaining access to elected officials and having their voices heard. This system gives the appearance of legalized bribery and lessens the public's trust in government, furthering undermining our political system and democracy. The problem is worse at the national level than at the state or local because of the greater amounts of money that have to be raised. Some examples suggesting that our political financing system creates problems are shown in the following links:

<http://www.publicintegrity.org/powertrips/report.aspx?aid=715>,
<http://www.alternet.org/drugreporter/19904/?page=entire>, and
http://www.rollingstone.com/politics/story/8952492/looting_homeland_security.

We need to change the way campaigns are funded to restore people's confidence in government. Politicians, like Caesar's wife, must be above suspicion, and our system of campaign financing makes reaching this state very difficult.

A number of states today serve as laboratories showing that the public funding of campaigns work. They broaden the range of candidates by allowing ordinary citizens without lots of money or name recognition to run for and to win office. Maine and Arizona are two states where public funding has been shown to work well. Connecticut also adopted clean elections in December 2005. For more information on this topic, go to Public Campaign (<http://www.publiccampaign.org/>). There are also bills S. 936 and S. 1285 in the U.S. Senate establishing clean election rules for Senate elections and H.R. 1614 in the House of Representatives establishing clean election rules for House candidates.

Proportional Representation

I think the most important change to the voting system, and one that we desperately need, is the adoption of a proportional representation system. This would allow a closer relation between the votes cast for a political party or group of individuals and their representation in the legislature. This change would invigorate our democracy, allowing it to come closer to fulfilling its promise of representing the wishes of the people. There are many excellent sources of information on this topic. The Mount Holyoke College Library on PR (<http://www.mtholyoke.edu/acad/polit/damy/prlib.htm>) contains a wealth of information and articles contained there do a far better job making the case for PR than I can. Two particularly good articles that are linked to or found there are "The Case for Proportional Representation" (<http://bostonreview.net/BR23.1/richie.html>) and "Instant Runoff Voting: No Substitute for Proportional Representation" (<http://www.mtholyoke.edu/acad/polit/damy/articles/irv.htm>). This latter article makes many of the same points that are found on the Range Voting site (<http://rangevoting.org/>). Fair Vote's site (<http://www.fairvote.org/pr/intro.htm>) is another good source of information on PR.

APPENDIX C

A COLORADO DEMOCRATIC VISION: A MODERN ELECTORAL SYSTEM

By Frederick Ellis

This is a call to devise an electoral system to choose the state legislature and state constitutional offices that is equitable and participatory.

We need to replace the present bicameral system with a unicameral system. The argument to do this is simple. The House of Representatives and the Senate are proportioned on a population basis which is a duplication of the same system.

To achieve equity and participation we need to have an ‘Instant Run-off Voting-IRV’ for elections for a single office and a ‘Proportional Representation-PR’ electoral system for the remaining seats in the state legislature. IRV guarantees majority victories without additional elections. PR guarantees representation for all political ideas.

This would apply only to the General Election since party primaries are by caucus.

The present number of seats in the legislature would be the same – 100. 65 seats would be elected by district as is done now. The remaining 35 seats would be allocated/proportioned to each Political Party by PR with a 5% state threshold.

Party’s would make-up a list of individuals who ran for office in a district and lost with those who gained the highest number of votes being at the top of the list and so on down. These individuals would fill the 35 seats by PR for each Party qualifying with a minimum threshold of a 5% statewide vote.

To be a Party - 5,000 signatures must be gotten with a minimum of 30 in each House District but no more than 1,000 in any district. Established Party’s who ran a candidate for Governor in the previous election would not have to qualify to be a party.

Independents could gain access to the General Election for each district by gaining 200 signatures in their district. Independents for state constitutional offices would be required to get 1,000 signatures statewide.

IRV would be used for each district. Voters rank candidates in order of choice and their ballot counts for their top-ranked choice in the running in every round. In each round, the last-place candidate is eliminated until the winner receives 50% plus 1 of the vote. IRV would be used for all state constitutional offices until an individual receives 50% plus 1.

The first count of all the legislative district votes would establish the Party percentage of vote for PR to allocate the 35 seats.

Example of PR election: Party Right got 7% of the vote, Party Left got 6% of the vote. Party Center Right got 33% of the vote. Party Center Left got 25 % of the vote, Party Libertarian got 14% of the vote and Party Green got 15% of the vote.

Allocation of the 35 PR seats:

Party Right = 2 seats (2.45), Party Left = 2 seats (2.1), Party Center Right = 12 seats (11.25), Party Center Left = 9 seats (8.75), Party Libertarian = 5 seats (4.9) and Party Green = 5 seats (5.25).

Total 35 seats. In the event that the total is either lower or higher than 35 seats then the highest fractions or the lowest fractions would be used to gain or lose seats.

If no party earned a majority of seats, it could form a coalition with independents and minority parties to form 'leadership positions'. This promotes reaching out beyond a party's more narrow base of support

By using both IRV and PR for the legislature, citizens would have as true of a representation that would be possible and practical. Those with minority views would not be marginalized as in the two-party system. The center is then truly dynamic.

APPENDIX D: PERSONS WHO TESTIFIED
(Alphabetical Order)

Note: presentations of persons who testified are not reproduced here, due to the length of the testimony and the number of exhibits. Where available, a link to a website or page has been provided. Copies of presentations may be obtained by contacting the Voter Choice Task Force.

Steve Bolton, Vice President, Product Management, Elections Systems and Software

Jennifer Drage Bowser, Program Principle, Legislative Management, National Conference of State Legislatures

Bill Compton, Political Director of the Colorado Democratic Party

Mr. Antonio D’Lallo, Green Party of Colorado

Frederick Ellis, citizen

Lou Ellis, Englewood City Clerk, Colorado Municipal League representative

John Gilbert, Chair, Board of Elections, Wake County, North Carolina

John Hershey, Office of Legislative Legal Services

Jo LaMarche, Elections and Records Director of the City of Burlington, Vermont

Dana LaTour, Senior Sales Consultant, Premier Elections Systems

Mr. Joel Leventhal, Lakewood citizen

Ben Manvel, Ph.D., Fort Collins City Council Member, Professor and Associate Chair of Colorado State University Math Department (retired)

Michael McGrath, National Civic League

Wayne Munster, Deputy Director of Elections, Colorado Department of State

Rob Ritchie, Fair Vote, The Center for Voting and Democracy

Andy Rogers, Director, Elections Development, Hart Interactive, Inc.

Ms. Barbara Smith, Larimer County League of Women Voters

Ed Smith, Vice President, Compliance/Certification/Quality, Sequoia Voting Systems

Warren D. Smith, Ph.D., Research Professional, Co-Founder of RangeVoting.org, former faculty, Temple University Math Dept, Research Scientist, NEC Research Institute

APPENDIX E: RESOURCES

Colorado Municipal League

1144 Sherman Street
Denver, Colorado 80203
www.cml.org
Tel: 303-831-6411

FairVote, the Center for Voting and Democracy

6930 Carroll Avenue, Suite 610
Takoma Park, Maryland 20912
www.fairvote.org
Tel: 301-270-4616
Fax: 301-270-4133
email: info@fairvote.org

League of Women Voters of Colorado

1410 Grant Street, Suite B204
Denver, CO 80203-1855
www.lwvcolorado.org
Tel: 303-863-0437
Fax: 303-837-9917
email: info@lwvcolorado.org

National Civic League

1640 Logan Street
Denver, Colorado 80203
www.ncl.org
Tel: 303-571-4343
Fax: 303-571-4404

National Conference of State Legislators (Denver Office)

7700 East First Place
Denver, Colorado 80230
www.ncsl.org
Tel: 303-364-7700
Fax: 303-364-7800

APPENDIX F

Evaluation of Electoral Systems (Alternative Voting Methods)									
		WORKSHEET INSTRUCTIONS:							
		1. In the first column, <u>rank</u> your perception of the importance of each <u>criterion</u> .							
		2. Rate each criteria -5=HIGH NEGATIVE IMPACT, Zero= NO IMPACT and +5= HIGH POSITIVE IMPACT. (Choose Most Appropriate score: -5, -4, -3, -2, -1, 0, +1, +2, +3, +4, +5)							
		3. <u>Tally</u> your score for each of the voting methods w/o preference to criterion rank.							
		4. Use the last column to share thoughts about each criterion.							
		5. Note your recommendation at the bottom by circling pilot suggestions adding notes or comments.							
Criteria		Rank of Criteria	IRV, Instant Runoff Voting	AV, Approval Voting	PR, Proportional Representation	RV, Range Voting	Plurality	Comments on Specific Criteria relative to rank	
1	Real Voice/No Fear of Wasting Vote/ Addresses Spoiler Effect								
2	Increased Voter Turnout								
3	Simplicity for Voters								
4	Ease of Administration								
5	Fair Party Representation								
6	Positive Campaigning								
7	Resistance to Voter Fraud/Manipulation								
8	Balanced Gender and Ethnic Representation								
9	Balanced Geographic and Cultural Representation								
10	Works with existing voting machines								
10	TOTALS								
Recommendations	Recommended for single winner and/or multi winner systems (circle)		Single Winner, Multi-Winner	Single Winner, Multi-Winner	Single Winner, Multi-Winner	Single Winner, Multi-Winner	Single Winner, Multi-Winner	Single Winner, Multi-Winner	NOTE: Only circle those recommended for legislative consideration
	Pilot single winner elections (circle Y or N if needed prior to approval)		Yes NO	Yes NO	Yes NO	Yes NO	Yes NO		
	Pilot as proportional representation in at large elections (circle Y or N)		Yes NO	Yes NO		Yes NO	Yes NO	Yes NO	
Additional Recommendations:									

APPENDIX G
SAMPLE BALLOT

WARD 8
TEST BALLOT - ANNUAL CITY MEETING
BURLINGTON, VERMONT
MARCH 7, 2006

- A. To vote, fill in the OVAL to the right of the candidate of your choice like this .
- B. To vote for a person whose name is not printed on the ballot, write-in the name in the space provided and fill in the oval.
- C. Follow the special instructions for the mayoral election.
- D. If you wrongly mark, tear or spoil the ballot, return it and get another.

For MAYOR
Three-Year Term

Special instructions: Rank candidates for mayor in order of choice.

- Fill in the number 1 oval to the right of your 1st choice candidate.
- You may rank as many or as few candidates as you wish.
- Fill in the number 2 oval to the right of your 2nd choice candidate.
- Fill in the number 3 oval to the right of your 3rd choice, and so on.
- Fill in no more than one oval per column.
- Fill in no more than one oval per candidate.

(Rank candidates in order of choice)

		1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice
Hugh Barrows 123 Main Street	REPUBLICAN	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paula Cooper 123 Main Street	INDEPENDENT	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Michelle Ferengetti-Smith 123 Main Street	DEMOCRATIC	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jeff Lopez 123 Main Street	PROGRESSIVE	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
David L. Morrison 123 Main Street	GREEN	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Faye Wong 123 Main Street	LIBERTARIAN	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Write-in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

No more than one oval per column. No more than one oval per candidate.

For SCHOOL COMMISSIONER
Two-Year Term

(Vote for Not More Than ONE)

ROBERT LAMSON 123 Main Street	<input type="radio"/>
SHEILA PORTER 123 Main Street	<input type="radio"/>
Write-in	<input type="radio"/>

For WARD CLERK
Two-Year Term

(Vote for Not More Than ONE)

CYNTHIA KELLY 123 Main Street	REPUBLICAN	<input type="radio"/>
JASON M. RICHARDSON 123 Main Street	PROGRESSIVE	<input type="radio"/>
Write-in		<input type="radio"/>

For INSPECTOR OF ELECTION
Three-Year Term

(Vote for Not More Than ONE)

JOSE MARTINEZ 123 Main Street	INDEPENDENT	<input type="radio"/>
NIKOLAI CHERTOFF 123 Main Street	DEMOCRATIC	<input type="radio"/>
Write-in		<input type="radio"/>