

STATE OF COLORADO
Department of State
1700 Broadway
Suite 200
Denver, CO 80290



Bernie Buescher
Secretary of State

Judd Choate
Director, Elections Division

Online and Paperless Voter Registration at Public Assistance Agencies

MEETING AGENDA

April 6, 2010 – Colorado Secretary of State's Office

1. Introductions

2. Purpose of Meeting

- a. Demonstration of Online Voter Registration (GoVoteColorado.com)
- b. Project Vote to provide information on paperless registration and discuss possibilities for implementing such processes at public assistance agencies in Colorado
- c. Project Vote to discuss findings about paperless registration

3. Implementation Options and Challenges

- a. Discuss options for automating registration at public assistance agencies. Is paperless or online registration more feasible for Colorado?
- b. Discuss potential challenges for implementing registration at agencies

4. Additional Research

- a. Will equipment need to be purchased or upgraded?
- b. What technical restrictions are in place?
- c. What assessments need to be made by I.T. department?
- d. What legislative changes need to be made, if any?

5. Next Steps

Research Intern

From: Lisa Doran on behalf of NVRA
Sent: Wednesday, March 02, 2011 11:19 AM
To: 'Ali Cochran'
Cc: Christi Heppard
Subject: RE: PAVR Numbers

Oh good, I was worried something had gone awry on this end.
Thanks for responding so promptly.
Lisa

From: Ali Cochran [mailto:acochran@projectvote.org]
Sent: Wednesday, March 02, 2011 9:14 AM
To: NVRA
Subject: Re: PAVR Numbers

Hi Lisa,

I have been receiving the emails regularly, thank you. We just had an issue finding them on our Server yesterday. Someone had reorganized them into a new data folder, so we've got them now.

Thank you so much for all your help,

Alice Cochran
Research & Compliance Manager
Project Vote
737½ 8th St. SE
Washington, DC 20003-2802
(Office) 202.546.4173 x305 or 1-888-546-4173
(Fax) 202.543.3675

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On Mar 2, 2011, at 11:07 AM, NVRA wrote:

Hi Ali,
I have been sending these to you at the project vote email address from our NVRA mail box. Have you been getting them? If not, let me know and I will trouble shoot. Do you know if your email system sorts email to spam automatically?
Thanks
Lisa

Lisa Doran | Program Administrator | Colorado Department of State
303-894-2200 Ext 6104 | Direct E-mail: lisa.doran@sos.state.co.us | www.sos.state.co.us

From: Christi Heppard
Sent: Tuesday, March 01, 2011 3:41 PM
To: Lisa Doran
Subject: FW: PAVR Numbers

Would you help Ali out? I'm wondering if she wasn't/isn't on the distribution list for some reason.

-Christi

From: Ali Cochran [<mailto:acochran@projectvote.org>]
Sent: Tuesday, March 01, 2011 3:20 PM
To: Christi Heppard
Subject: Fwd: PAVR Numbers

Hi Christi,

I'm looking for the Survey Monkey data for August 2010 - January 2011, do you have it?

Thank you!

Alice Cochran
Research & Compliance Manager
Project Vote
737½ 8th St. SE
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Begin forwarded message:

From: "Lorraine C. Minnite" <lminnite@projectvote.org>
Date: March 1, 2011 5:17:46 PM EST
To: Ali Cochran <acochran@projectvote.org>

Subject: Re: PAVR Numbers

I've been using the SCORE data, not the Survey Monkey data. I have in my records that we have to request this data from Christi Heppard. Could you ask her for it for August 2010 through January 2011?

On 3/1/11 5:07 PM, Ali Cochran wrote:

No what I just sent you are the Survey Monkey numbers through July. Then Aug-Dec are on the Server in separate files by month.

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On Mar 1, 2011, at 4:57 PM, Lorraine C. Minnite wrote:

Ali,

This looks like it only goes through July 2010 - what am I missing (I'm looking for 8/10-12/10 or beyond)?

On 3/1/11 4:53 PM, Ali Cochran wrote:

Woops, sent it to myself

Alice Cochran
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Begin forwarded message:

From: Ali Cochran <acochran@projectvote.org>
Date: March 1, 2011 4:51:27 PM EST
To: Ali Cochran <acochran@projectvote.org>
Subject: Re: PAVR Numbers

Here it is:

Alice Cochran
Research & Compliance Manager
Project Vote
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On Mar 1, 2011, at 4:50 PM, Ali Cochran wrote:

It's all on the server except for July, which I'll look for now

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On Mar 1, 2011, at 4:35 PM, Lorraine C. Minnite wrote:

Ali,

Do we have monthly numbers from Colorado from 7/10-12/10?

On 3/1/11 4:29 PM, Ali Cochran wrote:

Attached is the chart for total VR in OH in 2010. The total number is 191,237. In MO we have the number of people who accepted the opportunity to register to vote (ppl who checked YES) and Lori has put together a chart on that.

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On Mar 1, 2011, at 3:53 PM, Lori Minnite wrote:

Jennifer,

I compiled NJ data by month for April-December 2010, and I should have the MO and OH data together, too - I'm not with my computer - I had to find a fax machine to fax something to Catalist. As soon as I get back home I'll pull it together for you - hopefully before 5 EST.

On 3/1/2011 3:36 PM, Ali Cochran wrote:
I'm adding Lori to this email -

We do have data from those states, but it is not organized like the CO Chart. I received that chart from the SOS and did not compile it on my own. There's no way for me to create charts like that for OH and MO (we hardly have any NJ data) today, but I could get them to you by the end of the week (maybe?) The issue is that the data we receive isn't organized, some months some counties report and some months they don't. We never tried to put it all together before, we want to, hence the data monitoring program.

So I guess what I'm saying is, hang on! Slow down! We need a little more time to get everything organized before we can start delivering charts. Lori, am I wrong?

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On Mar 1, 2011, at 3:20 PM, Jennifer Jacquot-DeVries wrote:

That's fine if we leave WA out. I'd like to show the improvement wherever possible.

Timeline is today! This is for that Wellspring report. If you can send me the right documents or tell me what to look for on the server, I can make the chart.

On 3/1/11 2:13 PM, "Nicole Kovite Zeitler" <nkovite@projectvote.org> wrote:

As I am sure Ali will write back to you, YES we do have this sort of data (hence, the data monitoring project) but I jsut got off the phone with WA a few hours ago and their tracking is a little screwed up right now....we might not want ot include them until we get that ironed out...but let me know your timeline

On Mar 1, 2011, at 3:08 PM, Jennifer Jacquot-DeVries wrote:

Nicole and Ali,

Mike suggested adding a numeric chart to a funder's report to show our progress in increasing registrations in states. (Ali, he forwarded me the chart from CO showing the increase in registration numbers from 2007 to 2010.)

Do we have data like this for OH, MO, NJ, and WA?

Jennifer Jacquot-DeVries
Deputy Director of Development
Project Vote
202-277-9625
jjdevries@projectvote.org
www.projectvote.org <<http://www.projectvote.org>>

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Jennifer Jacquot-DeVries
Deputy Director of Development

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Research Intern

From: Nicole Kovite Zeitler <nkovite@projectvote.org>
Sent: Tuesday, February 01, 2011 1:54 PM
To: Christi Heppard
Subject: Re: PEAK update

Christi:

Happy February! I am writing to follow up on the below. Have you received the specs for the PEAK system changes and are you able to share those with me?

Nicole

On Jan 6, 2011, at 5:28 PM, Christi Heppard wrote:

Nicole,

Just wanted to send you a quick email before I go to my next meeting. Our team met with the folks at CDHS about the PEAK system. We can touch base next week (I'm offsite tomorrow) and I can fill you in but the short version is that it looks like voter registration will definitely be included in PEAK's launch, currently expected to be released sometime this spring. I'm not positive but I believe we may be the first state to have online services applications and true online voter registration. We'll be able to track activity, as well.

-Christi

Christi Heppard

Colorado Department of State

Elections Division - Special Projects

1700 Broadway, Suite 270

Denver, Co. 80290

303-894-2200 xtn 6340 (phone)

303-869-4861 (fax)

christi.heppard@sos.state.co.us

--
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Director, Public Agency Voter Registration Program
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Research Intern

From: Christi Heppard
Sent: Thursday, February 03, 2011 1:22 PM
To: 'Nicole Kovite Zeitler'
Subject: RE: PEAK update

Nicole,

Sorry for the delayed response – it's been quite a week.

We haven't received screen mock-ups or project updates from OIT (the PEAK people) yet so Paris is reaching out to them. I'll keep you posted.

On an unrelated matter, we are finishing up our year end report for NVRA in 2010. Would you like me to shoot a copy to you once it is finalized? I'm very excited because preliminary numbers (very preliminary at this point) show an increase of 59% for actual registrations coming to county clerks over the numbers from 2009. Certainly many factors were involved but still, we think it's great news.

-Christi

From: Nicole Kovite Zeitler [<mailto:nkovite@projectvote.org>]
Sent: Tuesday, February 01, 2011 11:54 AM
To: Christi Heppard
Subject: Re: PEAK update

Christi:

Happy February! I am writing to follow up on the below. Have you received the specs for the PEAK system changes and are you able to share those with me?

Nicole

On Jan 6, 2011, at 5:28 PM, Christi Heppard wrote:

Nicole,

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-Christi

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Research Intern

From: Christi Heppard
Sent: Tuesday, December 21, 2010 2:01 PM
To: 'Nicole Kovite Zeitler'
Subject: RE: PEAK-NVRA Follow Up

Nicole,

I haven't been able to touch base with Dara and/or Steve yet – but I'm working on it. As soon as I have information I'll give you a ring or send an email with the updates.

-Christi

Christi Heppard
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1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Nicole Kovite Zeitler [<mailto:Nkovite@projectvote.org>]
Sent: Tuesday, December 21, 2010 10:47 AM
To: Christi Heppard
Subject: PEAK-NVRA Follow Up

Christi:

I am writing to follow up on the conversations we had a few weeks ago about PEAK. Did you get a chance to meet with Dara and Steve? Is there a plan and a timeline?

I would love to hear the update. Feel free to call or email,

Nicole

--
Nicole Kovite Zeitler
Director, Public Agency Voter Registration Program
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Research Intern

From: Christi Heppard
Sent: Tuesday, December 21, 2010 5:52 PM
To: 'Nicole Kovite Zeitler'
Cc: Wayne Munster
Subject: RE: PEAK-NVRA Follow Up

Hi, Nicole.

I have some information for you. Dara Hessey from OIT and I are scheduling a meeting for our teams to talk about design requirements for PEAK voter registration integration. Given the time of year, it might be the first part of January before we can all get together.

Also, just as an FYI- I will be out of the office next week so if any pressing items come up please contact Wayne Munster, our Deputy Director of Elections (I think you met Wayne during one of your visits, but I may be mistaken). You can reach him at wayne.munster@sos.state.co.us or 303.894.2200 extension 6303.

I hope you enjoy your holiday,
Christi

Christi Heppard
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Denver, Co. 80290
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303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Nicole Kovite Zeitler [<mailto:Nkovite@projectvote.org>]
Sent: Tuesday, December 21, 2010 10:47 AM
To: Christi Heppard
Subject: PEAK-NVRA Follow Up

Christi:

I am writing to follow up on the conversations we had a few weeks ago about PEAK. Did you get a chance to meet with Dara and Steve? Is there a plan and a timeline?

I would love to hear the update. Feel free to call or email,

Nicole

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Research Intern

From: Angela Lawson
Sent: Monday, January 05, 2009 5:17 PM
To: 'Nicole Kovite'
Cc: Doug Hess
Subject: RE: Please add:

Nicole,

I have added you to the distribution list to receive the statistical report and survey and any other reports and correspondence that is sent from our office.

Angela Lawson
Lobbyist/NVRA Division
Department of State
1700 Broadway, Suite 270
Denver, Colorado 80290
Telephone: 303-894-2200 X6304
Fax: 303-869-4861
Email: a.lawson@sos.state.co.us

From: Nicole Kovite [<mailto:nkovite@projectvote.org>]
Sent: Wednesday, December 31, 2008 11:14 AM
To: Angela Lawson
Cc: Doug Hess
Subject: Please add:

Hi Angela:

I am a new employee with Project Vote. Could you please add me to the distribution list for the regular Agency Statistical Report and Survey Summary?

Thanks!

Nicole Kovite
Director, NVRA Implementation Project
Project Vote - www.projectvote.org
202.271.5101(Cell)

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Research Intern

From: Christi Heppard
Sent: Thursday, February 04, 2010 2:56 PM
To: 'Yolanda Sheffield'
Cc: 'Teresa James'; Judd Choate
Subject: RE: Paperless Registration at Public Assistance Agencies

Yolanda,

It is nice to hear from. I enjoyed my vacation very much- thank you for asking. I, too, was pleased with the enthusiasm and collaboration on opportunities for online voter registration at the recent meeting held at the University of Colorado.

Regarding exploring possibilities of integrating online registration at NVRA agencies, we would be happy to discuss the topic with you. I think it makes sense for this office to reach out to the Colorado Department of Human Services and perhaps a select number of County Directors to engage their help with this endeavor. I'll try to contact that department and a few counties shortly. In the interest of expediency, is there a particular day or week that would work well with Project Vote's schedule? It looks like the week of April 5 would be good for us and Tuesday the 6th is wide open at the moment.

I look forward to your response.

-Christi

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christi.heppard@sos.state.co.us

From: Yolanda Sheffield [<mailto:ysheffield@projectvote.org>]
Sent: Thursday, February 04, 2010 9:47 AM
To: Christi Heppard
Cc: 'Teresa James'
Subject: Paperless Registration at Public Assistance Agencies

Hello Christi,

I hope you enjoyed your vacation and have gotten a chance to get settled in.

I thought the meeting with the University of Boulder was very productive and that a meeting with the Director of Human Services to discuss paperless voter registration may equally be beneficial. Project Vote would be interested in coming to Denver in March or April to discuss the possibility of paperless registration at public assistance agencies. We

think the increase in efficiency, decrease in cost, and overall improvement of compliance with the NVRA would be of interest to the state.

Would the Secretary of State's office be available to discuss the idea in March or April? Also, we think it would be helpful if the Director of Human Services or someone from the office would be available to discuss as well. Do you think it would be better if Project Vote or your office reached out to them?

Yolanda Sheffield, Esq.
Director, Election Administration Program
Project Vote
(Cell) 202. 553.5415
(Office) 202.546.4173 ext 302
(Fax) 202.543.3675

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Research Intern

From: Christi Heppard
Sent: Thursday, September 03, 2009 11:40 AM
To: 'Doug Hess'
Cc: Nicole Kovite; Teresa James; Wayne Munster; Angela Lawson
Subject: RE: paperless registration in Colorado

Doug,

See our responses below.

-Christi

From: Doug Hess [mailto:douglasrhess@gmail.com]
Sent: Tuesday, September 01, 2009 6:21 PM
To: Christi Heppard
Cc: Nicole Kovite; Teresa James
Subject: paperless registration in Colorado

Hi, Christi.

We're still very excited here about being involved with CO's effort to develop paperless voter registration systems. A few requests:

1. Is there a working group or task force that you've formed, or contemplated forming, with the agencies to develop the paperless system? If so, we'd love to be on that task force to help better understand it and assist with making sure the systems developed do not contravene the NVRA. We might be able to come out there for some meetings if it would be of help.

The Secretary of State does not currently have a working group specific to online voter registration (OLVR) at NVRA agencies. That being said, we would not be opposed to exploring the idea of convening such a group. For DHS remote transactions, OLVR would happen when a client applies for services through the CBMS system, as early as next spring. After the client completes application for services provided through CBMS, the client would be redirected to the Secretary of State's standard OLVR interface. We have begun internal discussion with CDHS about pushing through information the client has already provided, such as name, date of birth, etc., but it sounds like that functionality would not be available for a year or so. In the meantime, we are very excited that we will be able to offer OLVR in the spring to our voters applying online for services from NVRA covered agencies.

For *in-person* transactions, clients would still be offered the paper form by CDHS staff. However, we have internally discussed the feasibility of partnering with a local agency office where we could, perhaps, pilot a program to place computers in waiting areas so that clients (or anyone else visiting the location) could use a computer to register to vote, change their address, etc. I think this process would most definitely require a working group to iron out the wrinkles. There would be many challenges to overcome: statistical tracking, work flow, budget issues, confirmation of OLVR if client later visits an agency staff member, etc.

2. We are thinking of putting together a conference call this fall, and maybe even organizing for this winter a small in-person conference, with state election officials and agency officials interested in developing paperless

voter registration systems in human services agencies and at DMVs. Would you all be interested in participating in such a call?

Certainly, we would be happy to participate in a conference call. Because of budgetary restrictions on travel, we might not be able to attend an in-person conference unless it was held in Colorado.

3. Regarding the redesign for the central mailing to DHS clients, we'd be interested in using that as an opportunity to test the response rates based on the design and we may be able to help with some of the costs and expertise involved in such testing or experiments (assuming the ability to track responses to the letters). Would the state be interested in participating in such experiments? It might work best, for tracking responses to treatment and controls, to do this with the lists for one county, but details can be worked out later. You all may have ideas for what questions about the mailing you want to experiment with, or we or other researchers we work with might have ideas as well. Would you all be interested in this? The results might, like the paperless voter registration system, be useful nationally.

Could we discuss this further? As you know, Colorado has contracted with a usability firm to redesign our standard voter registration application. This firm plans to do extensive tracking and testing with multiple stakeholders and the general public over the next few months. After the standard form is finalized, we plan to add applicable NVRA information to provide a somewhat modified form for agency use, but it is unlikely that we would change the basic form layout. That being said, I would like to better understand your proposal – perhaps a phone call is in order?

Let us know what you think about these ideas and thanks for updating me on the status of the materials regarding the the on-line registration system. Let us know if there's any materials you do not want us to share with other states as we talk about these systems. Is there much communication between the states that have or are building web-based voter registration systems?

States have been communicating with each other, especially in order to share lessons learned and to project possible usage and other trends. Wayne has the most involvement with inter-state communication since he attends NASED and is a member of various committees. Unfortunately, he is out conducting election official training this week.

Thanks!

Doug Hess
Research Consultant, Project Vote
202-277-6400 (cell)
202-546-4173 ext.307 (office)

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Research Intern

From: Christi Heppard
Sent: Tuesday, March 01, 2011 5:45 PM
To: 'Ali Cochran'
Subject: RE: PAVR Numbers

I'll ask Lisa to send it to you. Sounds like there is some urgency – we'll do the best we can. Stand by.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Ali Cochran [mailto:acochran@projectvote.org]
Sent: Tuesday, March 01, 2011 3:20 PM
To: Christi Heppard
Subject: Fwd: PAVR Numbers

Hi Christi,

I'm looking for the Survey Monkey data for August 2010 - January 2011, do you have it?

Thank you!

Alice Cochran
Research & Compliance Manager
Project Vote
737½ 8th St. SE
Washington, DC 20003-2802
(Office) 202.546.4173 x305 or 1-888-546-4173
(Fax) 202.543.3675

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Begin forwarded message:

From: "Lorraine C. Minnite" <lminnite@projectvote.org>
Date: March 1, 2011 5:17:46 PM EST
To: Ali Cochran <acochran@projectvote.org>
Subject: Re: PAVR Numbers

I've been using the SCORE data, not the Survey Monkey data. I have in my records that we have to request this data from Christi Heppard. Could you ask her for it for August 2010 through January 2011?

On 3/1/11 5:07 PM, Ali Cochran wrote:

No what I just sent you are the Survey Monkey numbers through July. Then Aug-Dec are on the Server in separate files by month.

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On Mar 1, 2011, at 4:57 PM, Lorraine C. Minnite wrote:

Ali,

This looks like it only goes through July 2010 - what am I missing (I'm looking for 8/10-12/10 or beyond)?

On 3/1/11 4:53 PM, Ali Cochran wrote:
Woops, sent it to myself

Alice Cochran
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Begin forwarded message:

From: Ali Cochran <acochran@projectvote.org>
Date: March 1, 2011 4:51:27 PM EST
To: Ali Cochran <acochran@projectvote.org>
Subject: Re: PAVR Numbers

Here it is:

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On Mar 1, 2011, at 4:50 PM, Ali Cochran wrote:

It's all on the server except for July, which I'll look for now

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On Mar 1, 2011, at 4:35 PM, Lorraine C. Minnite wrote:

Ali,

Do we have monthly numbers from Colorado from 7/10-12/10?

On 3/1/11 4:29 PM, Ali Cochran wrote:

Attached is the chart for total VR in OH in 2010. The total number is 191,237. In MO we have the number of people who accepted the opportunity to register to vote (ppl who checked YES) and Lori has put together a chart on that.

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On Mar 1, 2011, at 3:53 PM, Lori Minnite wrote:

Jennifer,

I compiled NJ data by month for April-December 2010, and I should have the MO and OH data together, too - I'm not with my computer - I had to find a fax machine to fax something to Catalist. As soon as I get back home I'll pull it together for you - hopefully before 5 EST.

On 3/1/2011 3:36 PM, Ali Cochran wrote:
I'm adding Lori to this email -

We do have data from those states, but it is not organized like the CO Chart. I received that chart from the SOS and did not compile it on my own. There's no way for me to create charts like that for OH and MO (we hardly have any NJ data) today, but I could get them to you by the end of the week (maybe?) The issue is that the data we receive isn't organized, some months some counties report and some months they don't. We never tried to put it all together before, we want to, hence the data monitoring program.

So I guess what I'm saying is, hang on! Slow down! We need a little more time to get everything organized before we can start delivering charts. Lori, am I wrong?

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On Mar 1, 2011, at 3:20 PM, Jennifer Jacquot-DeVries wrote:

That's fine if we leave WA out. I'd like to show the improvement wherever possible.

Timeline is today! This is for that Wellspring report. If you can send me the right documents or tell me what to look for on the server, I can make the chart.

On 3/1/11 2:13 PM, "Nicole Kovite Zeitler" <nkovite@projectvote.org> wrote:

As I am sure Ali will write back to you, YES we do have this sort of data (hence, the data monitoring project) but I jsut got off the phone with WA a few hours ago and their tracking is a little screwed up right now....we might not want ot include them until we get that ironed out...but let me know your timeline

On Mar 1, 2011, at 3:08 PM, Jennifer Jacquot-DeVries wrote:

Nicole and Ali,

Mike suggested adding a numeric chart to a funder's report to show our progress in increasing registrations in states. (Ali, he forwarded me the chart from CO showing the increase in registration numbers from 2007 to 2010.)

Do we have data like this for OH, MO, NJ, and WA?

Jennifer Jacquot-DeVries
Deputy Director of Development
Project Vote
202-277-9625
jjdevries@projectvote.org
www.projectvote.org <<http://www.projectvote.org>>

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Project Vote
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or using this the information. Please contact the sender immediately by return e-mail and delete the original message.

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Research Intern

From: Christi Heppard
Sent: Monday, September 14, 2009 6:26 PM
To: 'Doug Hess'; Nicole Kovite; Yolanda Sheffield; Wayne Munster; Angela Lawson; Teresa James
Subject: RE: Possible production of NVRA video

All,

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Attachments: NVRA video location with monitors 9.14.09.xlsx

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After you have had a chance to review this information, let us know if you would like to schedule a conference call to further discuss feasibility. As always, if you have any questions please do not hesitate to contact us.

Thanks,

Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Chris Morgan
Sent: Tuesday, February 16, 2010 1:39 PM
To: 'jjdevries@projectvote.org'
Cc: Public Charitable; Rich Schliep
Subject: RE: Possible Web Violation

Upon researching this event it appears that your browser produced an error and couldn't finish the session properly. Please attempt to resubmit your Application and let us know if you get additional errors.

Chris Morgan
Chris.Morgan@sos.state.co.us

From: Terry Long **On Behalf Of** Public Charitable
Sent: Tuesday, February 16, 2010 9:54 AM
To: Rich Schliep
Cc: Chris Morgan
Subject: FW: Possible Web Violation

Rich, Can you give me hand with this one? Thanks --Terry

From: Jennifer Jacquot-DeVries [<mailto:jjdevries@projectvote.org>]
Sent: Tuesday, February 16, 2010 10:28 AM
To: Public Charitable
Subject: Possible Web Violation

Hello,

Below is the response I get when trying to save page 2 of the online registration application.

We are sorry for the inconvenience, but the requested URL was rejected due to a possible web violation. Please contact the [Colorado Department of State](#) with the Support ID below.

Your support ID is: 6134000188445964225

[Click Here for Contact Information](#)

Thanks for any help you can offer.

Best,

Jennifer Jacquot-DeVries
Grants Manager
Project Vote
202-277-9625
jjdevries@projectvote.org
www.projectvote.org

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Research Intern

From: Chris Morgan
Sent: Tuesday, February 16, 2010 2:03 PM
To: 'Jennifer Jacquot-DeVries'
Subject: RE: Possible Web Violation

That time I got some good information from the submission. I just unblocked your system please try one last time and you should be good to go.

Thanks for your patience.

Chris Morgan

From: Jennifer Jacquot-DeVries [<mailto:jjdevries@projectvote.org>]
Sent: Tuesday, February 16, 2010 1:00 PM
To: Chris Morgan
Subject: RE: Possible Web Violation

Hi Chris,

I continue to get the same error. I have now tried two different browsers and have seen this error about 8 times. It happens if I try to Save the page and if I simply click Next.

Do you have other suggestions?

Thanks,

Jennifer

From: Chris Morgan [<mailto:Chris.Morgan@SOS.STATE.CO.US>]
Sent: Tuesday, February 16, 2010 12:39 PM
To: jjdevries@projectvote.org
Cc: Public Charitable; Rich Schliep
Subject: RE: Possible Web Violation

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Chris Morgan
Chris.Morgan@sos.state.co.us

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No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.733 / Virus Database: 271.1.1/2690 - Release Date: 02/16/10 01:35:00

Research Intern

From: Judd Choate
Sent: Tuesday, May 18, 2010 12:37 PM
To: 'Teresa James'
Subject: RE: Power Point?

Great. Thanks, JC

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Tuesday, May 18, 2010 10:01 AM
To: Judd Choate
Subject: Re: Power Point?

Research Intern

From: Christi Heppard
Sent: Friday, July 31, 2009 10:29 AM
To: 'Nicole Kovite'
Subject: RE: PowerPoint for Colorado meeting

I've got it now. Talk to you shortly.

-Christi

From: Nicole Kovite [<mailto:nkovite@projectvote.org>]
Sent: Friday, July 31, 2009 7:57 AM
To: Nicole Kovite
Cc: Christi Heppard; Donald Wine II; Doug Hess; Wayne Munster; Angela Lawson
Subject: Re: PowerPoint for Colorado meeting

I'm sorry - I do not think the attachment went through. I have attached again.

Research Intern

From: Jennifer Jacquot-DeVries <jjdevries@projectvote.org>
Sent: Tuesday, February 16, 2010 3:00 PM
To: Chris Morgan
Subject: RE: Possible Web Violation

Hi Chris,

I continue to get the same error. I have now tried two different browsers and have seen this error about 8 times. It happens if I try to Save the page and if I simply click Next.

Do you have other suggestions?

Thanks,

Jennifer

From: Chris Morgan [mailto:Chris.Morgan@SOS.STATE.CO.US]
Sent: Tuesday, February 16, 2010 12:39 PM
To: jjdevries@projectvote.org
Cc: Public Charitable; Rich Schliep
Subject: RE: Possible Web Violation

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Chris.Morgan@sos.state.co.us

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[Click Here for Contact Information](#)

Thanks for any help you can offer.

Best,

Jennifer Jacquot-DeVries

Grants Manager

Project Vote

202-277-9625

jjdevries@projectvote.org

www.projectvote.org

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No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.733 / Virus Database: 271.1.1/2690 - Release Date: 02/16/10 01:35:00

Research Intern

From: Christi Heppard
Sent: Thursday, May 06, 2010 6:44 PM
To: 'Teresa James'
Cc: Ali Cochran; Doug Hess
Subject: RE: Project Vote visits to DHS offices

1:00 P.M. mountain, it is. As for Adams, it was Kirby Stone who attended the meeting— here is the email address I have for her: kirby.stone@dss.co.adams.co.us

As always, let me know if you need anything else. Also, we had a chance to read the report you guys released about state compliance; thank you for the kind words about Colorado's efforts.

-Christi

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Thursday, May 06, 2010 4:38 PM
To: Christi Heppard
Cc: Ali Cochran; Doug Hess
Subject: Re: Project Vote visits to DHS offices

Sorry, the meeting is at 1 pm. Mtn time. We would have rescheduled our meeting so that Linda Crawfis could be there, but the timing of our trips makes the following week difficult. She kindly said she would write up a brief description of their process and be available by cell phone.

Do you recall which person from Adams county met with us when Yolanda and I visited last month, April 6 I believe?
I haven't been able to connect with the Adams county contact there and I thought she might be more accessible.

Thanks for your willingness to take time to attend our visit(s)

On May 6, 2010, at 6:31 PM, Christi Heppard wrote:

Teresa,

What time on the 12th did you have in mind? (Want to make sure I get it on my calendar) Also, if Linda is out I certainly wouldn't mind waiting until she's back since she is the coordinator – just let me know what you guys work out.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270

Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Thursday, May 06, 2010 11:19 AM
To: Christi Heppard
Cc: Ali Cochran; Doug Hess
Subject: Project Vote visits to DHS offices

Christi,

We have set an appointment to meet with Nancy Lanning at El Paso DHS on Wednesday, May 12, 2010. The NVRA coordinator, Linda Crawfis, will be here in Ohio that week as it turns out.

Will you be able to join us at that meeting?

I have not been able to make contact with the Denver, Adams, and Boulder offices yet, but will continue to call.

Teresa

Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Terry Long on behalf of Public Charitable
Sent: Tuesday, May 18, 2010 12:14 PM
To: 'Jennifer Jacquot-DeVries'
Cc: Public Charitable
Subject: RE: Project Vote's renewed Charitable Organization Registration

Jennifer,

Project Vote's Initial Registration covered 2008. The deadline to either renew or to file and extension for 2009 was May 15, 2010. This deadline has now passed, which is why you were sent a notice.

If you can not yet file your 2009 renewal because you don't have the information yet, then you need to file an extension as explained on the notice you received. Log in, click File a Document, and select the File Extension option.

Please let us know if you need any other assistance.

Terry Long

Colorado Charities Program, Secretary of State's Office
Division of Licensing and Enforcement
1700 Broadway, Ste. 200
Denver CO 80290

charitable@sos.state.co.us
Tel.: (303) 894-2200 ext. 6487
Website: www.sos.state.co.us

From: Jennifer Jacquot-DeVries [<mailto:jjdevries@projectvote.org>]
Sent: Tuesday, May 18, 2010 8:03 AM
To: Public Charitable
Subject: Project Vote's renewed Charitable Organization Registration

Hello,

Project Vote received a notification yesterday that our renewed registration is late. However, I just renewed our registration online and received confirmation that it was successful. It seems as though Project Vote's recently submitted registration has not been correctly associated with our prior registrations.

Our EIN is 72-1268719. Our headquarters are located in Washington, DC and our executive director and primary contact is Michael Slater.

We have filed this recent renewal with 2008 financials. Our 2009 financials will be complete soon and we will submit them as necessary.

Thanks very much for your help. Please advise me of any necessary next steps.

Best,

Jennifer Jacquot-DeVries
Grants Manager

Project Vote
202-277-9625
jjdevries@projectvote.org
www.projectvote.org

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Research Intern

From: Christi Heppard
Sent: Wednesday, August 05, 2009 10:08 AM
To: 'Yolanda Sheffield'
Cc: nkovite@projectvote.org
Subject: RE: PV ppt

Yolanda,

I've got it and can read it. We'll get this up on our website ASAP.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Yolanda Sheffield [<mailto:ysheffield@projectvote.org>]
Sent: Wednesday, August 05, 2009 8:02 AM
To: Christi Heppard
Cc: nkovite@projectvote.org
Subject: PV ppt

Christi:

Here is our ppt. Please confirm you can open/it is readable.

We will see you shortly.

Yolanda Sheffield, Esq.
Director, Election Administration Program
Project Vote
(Cell) 202. 553.5415
(Office) 202.546.4173 ext 302
(Fax) 202.543.3675

This communication is confidential and may contain privileged information. If you have received this communication in error, please delete it and notify the sender immediately by email. Thank you.

Research Intern

From: Nicole Kovite <nkovite@projectvote.org>
Sent: Friday, July 31, 2009 2:46 PM
To: PATRICIA DANILUK
Cc: Christi Heppard
Subject: Re: Pre-meeting Conference Call relating to the Colorado WIC voter registration program

Actually, I did receive it. Thank you so much for sending. I appreciate your time today and look forward to meeting you next week.

If you need to contact me on Monday or Tuesday, please use my cell phone: (202) 271-5101.

Nicole

On Jul 31, 2009, at 1:28 PM, PATRICIA DANILUK wrote:

Nicole - I've tried to fax you the materials we discussed this morning on our call but the fax did not go through. Perhaps I wrote the number down incorrectly. I sent it to: 202-543-3675. Is that the correct number? If not, please respond with the right number and I'll send the material again. Thanks

Patricia M. Daniluk, M.S., R.D.
Director, Nutrition Services and WIC
Colorado Dept of Public Health & Environment
4300 Cherry Creek Dr. S.
Denver, CO 80246
303-692-2452
Patricia.Daniluk@state.co.us

"Christi Heppard" <christi.heppard@sos.state.co.us> 7/29/2009 3:17 PM >>>

When: Friday, July 31, 2009 9:00 AM-9:30 AM (GMT-07:00) Mountain Time (US & Canada).
Where: Conference call

~~*~*~*~*~*~*~*

All,

This meeting is to discuss various topics relating to Colorado WIC's NVRA agency-based voter registration procedures. Topics of discussion include:

- * Understanding various codes on the monthly statistical reports
- * Instructions and materials provided to WIC staff
- * What voter registration form is used

- * What is included on the application for WIC services
- * Policies relating to voter registration

If we are able to resolve all outstanding questions, we may wish to consider cancelling the in-person meeting currently scheduled for August 4. Please feel free to invite others, as needed.

Conference call instructions

Dial 1-866-539-1119

Room number: *3655950* (you must use the * key before and after entering the room number)

Nicole Kovite
Director, Public Agency Voter Registration Program
Project Vote - www.projectvote.org
202.546.4173 Ext. 303 (Work)
202.271.5101 (Cell)
202.543.3675 (Fax)

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Consider the environment before printing this e-mail.

Research Intern

From: PATRICIA DANILUK <pmdanilu@smtpgate.dphe.state.co.us>
Sent: Friday, July 31, 2009 1:29 PM
To: Nicole Kovite; Christi Heppard
Subject: Re: Pre-meeting Conference Call relating to the Colorado WICvoter registration program

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Research Intern

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Sent: Thursday, May 06, 2010 6:31 PM
To: 'Teresa James'
Cc: Ali Cochran; Doug Hess
Subject: RE: Project Vote visits to DHS offices

Teresa,

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Research Intern

From: law-election-bounces@department-lists.uci.edu on behalf of Estelle Rogers
<erogers@projectvote.org>
Sent: Wednesday, June 08, 2011 1:06 PM
To: Justin Levitt
Cc: law-election@department-lists.uci.edu
Subject: Re: [EL] Rhode Island and voter ID
Attachments: ATT227469.txt

That might explain why Democrats were more likely to support it. I don't think it explains why Democrats took the lead in proposing it, which they did in RI. Can anyone shed some light on that?
Estelle

Estelle H. Rogers, Esq.
Director of Advocacy
Project Vote
202-546-4173, ext. 310

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On Jun 8, 2011, at 12:22 PM, Justin Levitt wrote:

I don't know whether this answers the question about partisan affiliation or not, but one factor may be that the Rhode Island bill at least has a safeguard for those who do not have the right photo ID, a feature missing from many of the other recent bills. Under the Rhode Island bill passed by the state Senate, if you don't have ID, you cast a provisional ballot that will count if the signature on the ballot matches the signature on the voter's registration form.

Justin

On 6/8/2011 8:59 AM, Rick Hasen wrote:

D'oh. I meant supported almost exclusively by *Republicans* and opposed almost exclusively by *Democrats*.

On 6/8/2011 8:57 AM, Rick Hasen wrote:

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Everywhere else I'm aware of, these bills have been supported almost exclusively by Democrats and opposed almost exclusively by Republicans. Yet the effort in Rhode Island appears bipartisan.

Can anyone shed any light on why Rhode Island is different?

Thanks.

--

Rick Hasen
Visiting Professor
UC Irvine School of Law
401 E. Peltason Dr., Suite 1000
Irvine, CA 92697-8000
949.824.3072 - office
949.824.0495 - fax
rhasen@law.uci.edu
http://law.uci.edu/faculty/page1_r_hasen.html

William H. Hannon Distinguished Professor of Law
Loyola Law School
<http://electionlawblog.org>

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Loyola Law School
<http://electionlawblog.org>

Law-election mailing list
Law-election@department-lists.uci.edu
<http://department-lists.uci.edu/mailman/listinfo/law-election>

--

Justin Levitt
Associate Professor of Law
Loyola Law School | Los Angeles
919 Albany St.
Los Angeles, CA 90015
213-736-7417
justin.levitt@lls.edu
ssrn.com/author=698321

Law-election mailing list

Law-election@department-lists.uci.edu

<http://department-lists.uci.edu/mailman/listinfo/law-election>

Research Intern

From: law-election-bounces@department-lists.uci.edu on behalf of Sean Parnell
<sparnell@campaignfreedom.org>
Sent: Wednesday, June 08, 2011 1:20 PM
To: 'Estelle Rogers'; 'Justin Levitt'
Cc: law-election@department-lists.uci.edu
Subject: Re: [EL] Rhode Island and voter ID
Attachments: ATT227445.txt

For what it's worth, I've had several Rhode Island Democratic state legislators over the years explain to me that a good chunk of their colleagues would be moderate Republicans in almost any other state in the country, but in Rhode Island the Democratic machine is so strong that anyone wanting to run for office is advised to do so as a Democrat. So, you've got a number of Democratic state reps and senators that are ideologically friendly or at least tolerant towards ideas that in many other states are going to be considered Republican.

Of course, there's also the possibility that voter ID is just good policy and Democrats in Rhode Island wanted to do something on the voter fraud issue. Remember that Providence isn't exactly known for its clean politics, and Democrats may have felt they should do something to strengthen their voting processes.

Now, the scandals that I'm aware of in Providence don't have anything to do with vote fraud, mostly it's the standard under-the-table payoffs and contracts-for-family-members stuff like what I've been reading about in DC and Prince George's County the last few weeks. But if Governor Rowland's habit of accepting free renovations on his house from government contracts, having nothing to do with campaign finance, can be used to justify Connecticut adopting tax financed political campaigns, why can't similar graft in Rhode Island lead to voter ID requirements? It's been my observation that 'solutions' proposed by politicians actually address the 'problem' their supposed to solve so rarely as to suggest coincidence.

Sean Parnell
President
Center for Competitive Politics
<http://www.campaignfreedom.org>
<http://www.twitter.com/seanparnellccp>
124 S. West Street, #201
Alexandria, VA 22310
(703) 894-6800 phone
(703) 894-6813 direct
(703) 894-6811 fax

From: law-election-bounces@department-lists.uci.edu [mailto:law-election-bounces@department-lists.uci.edu] **On Behalf Of** Estelle Rogers
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http://law.uci.edu/faculty/page1_r_hasen.html

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Loyola Law School
<http://electionlawblog.org>

Law-election mailing list
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<http://department-lists.uci.edu/mailman/listinfo/law-election>

--

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Law-election mailing list
Law-election@department-lists.uci.edu
<http://department-lists.uci.edu/mailman/listinfo/law-election>

Research Intern

From: Christi Heppard
Sent: Monday, June 22, 2009 11:09 AM
To: 'Doug Hess'; Donald Wine II; Wayne Munster
Subject: RE: 2 NVRA items

Doug,

Sorry I didn't reply sooner but I was out of the office last week. As to your questions:

1. Changing the wording on the FAQ is simple enough. It will likely take a few days to get modified language on the website, though.
2. Wayne and I are scheduled to attend a meeting with a DHS group (sort of a task force, I think) next week and will bring this topic up. It is quite easy for us to add the question to the survey, but I'm not sure if the agencies actually track the number of covered transactions. I'll let you know as soon as we hear something back.

As always, feel free to contact us if you need anything else.

Thanks,
Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Doug Hess [<mailto:douglasrhess@gmail.com>]
Sent: Tuesday, June 16, 2009 4:20 PM
To: Donald Wine II; Wayne Munster; Christi Heppard
Subject: 2 NVRA items

Hey, Wayne and Christi. Two quick items:

1. I was looking over your webpage to get ideas for a presentation in California and noticed on your NVRA FAQ it has the following:

"Q: If the applicant does not mark the declination form, sign and date, should the agency fill in the persons name or only retain and tally the declination?

A: If the client marks "no" or does not mark anything on the declination form, put the name of the client on the declination form, tally as a declination and retain the form on file for 24 months."

I think if "tally" means for reporting, it should say that not marking anything is counted as a blank. Saying it's counted as a declination is confusing. Actually, we are going to stop calling them "declination forms" as it seems to lead to lots of mix ups, we're thinking of calling them "NVRA Notice Forms".

2. Have you given any more thoughts to adding to the survey questions about how many people are having a transaction in the agency that is covered by the NVRA? This would help with putting the reported data into some context (e.g. gain an understanding of the traffic flow).

Doug Hess
Research Consultant, Project Vote
202-277-6400 (cell)

Research Intern

From: Lisa Doran on behalf of NVRA
Sent: Wednesday, October 06, 2010 12:50 PM
To: 'Ali Cochran'
Subject: RE: Agency Statistical Report and Survey for August 16 - 31

Hi Alice,
I haven't sent September yet. The agencies are reporting monthly now and they have until the 7th of September to report for the month.
Thanks
Lisa

From: Ali Cochran [mailto:acochran@projectvote.org]
Sent: Tuesday, October 05, 2010 1:04 PM
To: NVRA
Subject: Re: Agency Statistical Report and Survey for August 16 - 31

Hi Lisa,

I haven't received any data from September 2010 yet; have you sent it out yet? If so, would you mind re-sending it to me?

Thank you so much,

Alice Cochran
Field Manager
Project Vote
737½ 8th St. SE
Washington, DC 20003-2802
(Office) 202.546.4173 x305
(Fax) 202.543.3675

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On Sep 13, 2010, at 11:48 AM, NVRA wrote:

Good Morning,

For your review, attached are the agency Statistical and Survey Summary reports for the period of August 16 – 31, 2010.

Please contact me if you have any questions.

Thanks

Id

Lisa Doran | Election Division Communication Lead | Colorado Department of State

303-894-2200 Ext 6104 | Direct E-mail: lisa.doran@sos.state.co.us | www.sos.state.co.us

<Agency Statistical Report August 15 - 31, 2010.xls><SurveySummary_09132010.xls>

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Tuesday, July 13, 2010 12:31 PM
To: NVRA; Christi Heppard
Cc: Ali Cochran; Teresa James
Subject: Re: Agency Statistical Report and Survey for June 16 - 30

Hi, Lisa.

Can you add Teresa James and Ali Cochran to the distribution lists for these. I think you had one or both on in the past, but they said they didn't get it yesterday.

Their emails are cc'd in this message. Thanks for your help.

Doug Hess
202-277-6400 (cell)

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On Mon, Jul 12, 2010 at 11:54 AM, NVRA <nvra.state@sos.state.co.us> wrote:

Good Morning,

For your review, attached are the agency Statistical and Survey Summary reports for the period of June 16 – 30, 2010.

Please contact me if you have any questions.

Thanks

ld

Lisa Doran | Election Division Communication Lead | Colorado Department of State

303-894-2200 Ext 6104 | Direct E-mail: lisa.doran@sos.state.co.us | www.sos.state.co.us

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Thursday, August 27, 2009 10:13 AM
To: Angela Lawson
Cc: Teresa James; Nicole Kovite
Subject: Re: Agency Statistical Report and Survey Summary For August 1-15

Hi, Angela:

Can you remove Donald Wine and add Teresa James tjames@projectvote.org, to the emails about this reports twice a month reports on Colorado? We are just move around some staff assignments. Thanks so much.

Doug Hess
Research Consultant, Project Vote
202-277-6400 (cell)
202-546-4173 ext.307 (office)

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On Tue, Aug 25, 2009 at 1:50 PM, Angela Lawson <Angela.Lawson@sos.state.co.us> wrote:

All,

Please see the attached agency Statistical Report and Survey Summary for the reporting period of August 1-15 2009. The Survey Summary is now available in pdf format for your convenience.

Also attached is the report of voter registration activity from the state's WIC offices dated 7-1-09 thru 7-31-09. Below is a legend for the codes listed on the report.

Code 0 = Voter Registration information already recorded Code 1 = Already Registered Code 2 = Declined to Register Code 3 = Registered with Assistance Code 4 = Registered with mail-in form Code 5 = Took mail-in form for relative/friend Code 6 = Already registered/Took mail-in form Code 7 = Declined to register/Took mail-in form Code 8 = Registered w/assistance/Took mail-in form Code 9 = Registered w/mail-in form/Took mail-in form

If you have questions or need further assistance please contact me directly.

Angela Lawson

Lobbyist/NVRA Division

Department of State

1700 Broadway, Suite 270

Denver, Colorado 80290

Telephone: 303-894-2200 X6304

Fax: 303-869-4861

Email: a.lawson@sos.state.co.us

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Thursday, June 11, 2009 3:45 PM
To: Angela Lawson; Donald Wine II
Subject: Re: Agency Statistical Report and Survey Summary For May 16-31

Hi, Angela: Can you also add Donald Wine of Project Vote to this distribution list? He's also on this email so you can use that email address for him.

Thanks so much.

Doug Hess
Research Consultant, Project Vote
202-277-6400 (cell)

On Thu, Jun 11, 2009 at 1:33 PM, Angela
Lawson<Angela.Lawson@sos.state.co.us> wrote:
> Doug, Liz, Krista, Mary, Sarah, Nicole and Patricia,
>
>
>
> Please see the attached agency Statistical Report and Survey Summary
> for the reporting period of May 16-31 2009. The Survey Summary is now
> available in pdf format for your convenience.
>
>
>
>
> Angela Lawson
>
> Lobbyist/NVRA Division
>
> Department of State
>
> 1700 Broadway, Suite 270
>
> Denver, Colorado 80290
>
> Telephone: 303-894-2200 X6304
>
> Fax: 303-869-4861
>
> Email: a.lawson@sos.state.co.us

Research Intern

From: Christi Heppard
Sent: Tuesday, April 06, 2010 2:42 PM
To: 'tjames@projectvote.org'
Subject: RE: Agenda for Project Vote- 2 pm meeting

You bet.

-Christi

-----Original Message-----

From: tjames@projectvote.org [<mailto:tjames@projectvote.org>]
Sent: Tuesday, April 06, 2010 12:41 PM
To: Christi Heppard; Wayne Munster; Judd Choate
Cc: Yolanda Sheffield; douglasrhess@gmail.com
Subject: Agenda for Project Vote- 2 pm meeting

Christi,

Thank you for the SCORE numbers. I've attached an agenda for the NVRA meeting. If you have time, could you print out copies for the participants?

Thanks,
Teresa

Research Intern

From: DougRHess3@aol.com
Sent: Tuesday, February 24, 2009 4:55 PM
To: Angela Lawson; Christi Heppard; Wayne Munster
Cc: nkovite@projectvote.org
Subject: Re: Agency Statistical Report and Survey Summary For February 1-15

Angela, Do you know if Survey Monkey has a way to download as a master file all the data for 2008 as one excel file? Or is there a way to download them all as zip file and send them? I know I have a few holes in my collection and I especially was hoping that there could be a way (at least for the months when the questions settled into a those that are used now) that the website could compile the months into one year so that we wouldn't have to do it by hand.

One a related note, as CO answered the EAC survey for 2007-2008 and it is there a county by county NVRA applications table as a part of that which we can see?

Thanks so much for your help on this.

Doug Hess
Consultant,
Project Vote, www.projectvote.org
cell: 202-277-6400

In a message dated 2/24/2009 4:43:44 P.M. Eastern Standard Time, Angela.Lawson@SOS.STATE.CO.US writes:

Doug, Liz, Krista, Mary, Sarah and Nicole,

Please see the attached agency Statistical Report and Survey Summary for the reporting period of February 1-15, 2009.

If you need further assistance please contact me directly.

Angela Lawson

Lobbyist/NVRA Division

Department of State

1700 Broadway, Suite 270

Denver, Colorado 80290

Telephone: 303-894-2200 X6304

Fax: 303-869-4861

Email: a.lawson@sos.state.co.us

You're invited to Hollywood's biggest party: [Get Oscars updates, red carpet pics and more at Moviefone.](#)

Research Intern

From: Teresa James <tjames@projectvote.org>
Sent: Thursday, September 03, 2009 2:59 PM
To: Christi Heppard
Cc: Nicole Kovite; Yolanda Sheffield; Doug Hess; Wayne Munster; Angela Lawson
Subject: Re: An interesting question about remote transactions

Hi Christi,

Thank you. This is an interesting question, we'll get back to you ASAP after Doug, Nicole and I have a chance to talk together.

Teresa

On Sep 3, 2009, at 2:30 PM, Christi Heppard wrote:

Project Vote team,

We have recently received a question about remote transaction tracking and we are asking for your input. An agency office has indicated that they allow clients to apply for or renew certain services over the phone. While on the phone with the client, the agency is asking the client if they wish to register to vote. If the client says "yes", a form is mailed. If the client indicates they do not wish to register, the agency notes the response on a spreadsheet. The agency is not currently filling out a declination for each voter that declines over the phone, but rather, uses the spreadsheet to capture summary numbers of over-the-phone declinations (not specific client names).

The Secretary of State's office supports paperless transactions whenever possible in order to both save printing costs and to further the principles of "green government". Do you know if other states are using a similar practice and if so, do you believe the spreadsheet method is acceptable under the NVRA?

We look forward to your thoughts.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

Teresa James
Election Counsel

Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Christi Heppard
Sent: Tuesday, May 18, 2010 4:01 PM
To: 'Yolanda Sheffield'
Subject: RE: Any News from the Human Services Department on the Technology Improvements?

No problem.

As far as I know, the plan is still to integrate the two systems – but it will likely happen after the initial PEAK rollout. I'll know more once the person doing requirements gathering contacts me. In the meantime, here is Pauline's contact information if you want to check in with her:

Pauline Burton
CDHS
Director, Office of Self Sufficiency

(303) 866-5050 Work
pauline.burton@state.co.us

From: Yolanda Sheffield [<mailto:ysheffield@projectvote.org>]
Sent: Monday, May 17, 2010 5:13 PM
To: Christi Heppard
Subject: RE: Any News from the Human Services Department on the Technology Improvements?

Thanks for getting back to me Christi.

So, do you know if there are plans to collect the declination information or interact or "talk to" the voter registration system at the SOS office? Or, is this a question I should follow up with Pauline Burton? If so, could you please provide me with her contact information?

From: Christi Heppard [<mailto:christi.heppard@sos.state.co.us>]
Sent: Monday, May 17, 2010 6:44 PM
To: Yolanda Sheffield
Subject: RE: Any News from the Human Services Department on the Technology Improvements?

Yolanda,

I just heard back from Pauline Burton. The current design of the PEAK system (the CDHS online program) doesn't capture declination information or "talk to" our voter registration system. It does, however, have a link to the Secretary of State's website where the client can register online or download a voter application. CDHS is looking at a late summer rollout for PEAK and it sounds like modifications could be done after that time. Pauline mentioned that she has assigned a staff member to complete requirements gathering and that they would be contacting me in the future.

If you would like to speak with Pauline directly, please feel free to do so.

-Christi

Christi Heppard

Colorado Department of State

Elections Division - Special Projects

1700 Broadway, Suite 270

Denver, Co. 80290

303-894-2200 xtn 6340 (phone)

303-869-4861 (fax)

christi.heppard@sos.state.co.us

From: Yolanda Sheffield [<mailto:ysheffield@projectvote.org>]

Sent: Monday, May 17, 2010 12:41 PM

To: Christi Heppard

Subject: Any News from the Human Services Department on the Technology Improvements?

Yolanda Sheffield, Esq.

Director, Election Administration Program

Project Vote

(Cell) 202. 553.5415

(Office) 202.546.4173 ext 302

(Fax) 202.543.3675

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Research Intern

From: Christi Heppard
Sent: Monday, April 11, 2011 4:40 PM
To: 'Nicole Kovite Zeitler'
Subject: RE: Appendix A - question

Nicole,

The table from the End of Year report covers *all* NVRA-designated agencies including DHS, WIC, Vocational Rehabilitation, disability services offices (including those at colleges and universities), our adult services programs, plus any others that are reporting to us. I think you guys get a copy of the agencies that report using Survey Monkey but if you need a new list, I'm happy to send one over. If I recall correctly, there are about 120 agencies that report to us, some of which report for more than one office

The information from the tables came right out of SCORE, so it reflects what county clerks received. The table in the report should match the one I sent you on March 23, but if you are seeing a discrepancy let me know.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Nicole Kovite Zeitler [<mailto:nkovite@projectvote.org>]
Sent: Monday, April 11, 2011 2:06 PM
To: Christi Heppard
Subject: Appendix A - question

Christi:

Appendix A in your 2010 annual report says that the data is: "Voter Registration Received from NVRA-Designated Agencies." Can you tell me which agencies were included in this data table? (Is it just the public assistance agencies or did it include disability, army recruitment centers, etc?) If it was not just the public assistnace agencies, was the SCORE data that I have just the public assistance agencies or is that the same data as is listed in Appendix A....

Thanks!

—
Nicole Kovite Zeitler
Director, Public Agency Voter Registration Program
Project Vote
737 ½ 8th Street SE
Washington, DC 20003
Tel (202) 546-4173 Ext. 303

Fax (202) 543-3675
www.projectvote.org



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Research Intern

From: Christi Heppard
Sent: Monday, March 01, 2010 5:28 PM
To: 'Yolanda Sheffield'
Cc: Lisa Doran
Subject: RE: April 6, 2010

Yolanda,

I should have responded sooner and apologize that I haven't had a chance to do so yet. We just received the final confirmation late last week. As of now, I am expecting representatives from the state DHS office, El Paso, Larimer, Weld and Denver county DHS and of course, this office. I will try to get a meeting confirmation out tomorrow. I think we will hold the meeting here at the SOS since we are central, geographically-speaking.

On a related note, we are preparing our NVRA Compliance End of Year report for 2009. I'm very pleased to preview that we realized a 76% increase in registrations received by the county clerk from designated agencies from the 2008 numbers – Denver led the way. Overall, we have an increase of something like 277% from 2007; this office is very pleased with that! As soon as the document is finalized we will certainly send you a copy or a link.

Talk to you soon,
Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Yolanda Sheffield [<mailto:ysheffield@projectvote.org>]
Sent: Monday, March 01, 2010 3:17 PM
To: Christi Heppard
Subject: April 6, 2010

Hello Christi,

I hope you are doing well. I just wanted to check in and see how many individuals agreed to attend the meeting on April 6, 2010. Is anyone from the Director of Human Services' office going to attend?

Yolanda Sheffield, Esq.
Director, Election Administration Program
Project Vote
(Cell) 202. 553.5415
(Office) 202.546.4173 ext 302
(Fax) 202.543.3675

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Research Intern

From: Christi Heppard
Sent: Tuesday, September 08, 2009 2:07 PM
To: 'Nicole Kovite'; Wayne Munster
Subject: RE: CO - NVRA Help

Thanks for the heads up. We are happy to help.

-Christi

From: Nicole Kovite [<mailto:nkovite@projectvote.org>]
Sent: Tuesday, September 08, 2009 10:26 AM
To: Christi Heppard; Wayne Munster
Subject: CO - NVRA Help

Christi:

Just so you know, I also passed on your contact information to the Secretary of State's office in Texas, as it sounds like they are just starting to think about working on NVRA compliance. (They have a ways to go.)

You are the state expert!

Nicole Kovite
Director, Public Agency Voter Registration Program
Project Vote - www.projectvote.org
202.546.4173 Ext. 303 (Work)
202.271.5101 (Cell)
202.543.3675 (Fax)

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Research Intern

From: Christi Heppard
Sent: Monday, October 18, 2010 6:49 PM
To: 'Teresa James'
Cc: 'Ali Cochran'; Lori Minnite
Subject: RE: CO Applicants & Applications Over 17 by Resident County.xls

Teresa,

Let me take a look. We started early voting and absentee counting today so it's pretty busy around here but I'll get back with you as soon as I can.

-Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Monday, October 18, 2010 3:46 PM
To: Christi Heppard
Cc: 'Ali Cochran'; Lori Minnite
Subject: CO Applicants & Applications Over 17 by Resident County.xls

Christi,

The data that we got from the Governor's IT office is attached. The second worksheet in the file lists the programs from which the data was collected. We would like to know whether all of the programs listed are covered by the NVRA in Colorado.

Thanks for your help,

Teresa

Teresa James
Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Christi Heppard
Sent: Monday, August 31, 2009 6:16 PM
To: 'Nicole Kovite'
Cc: Teresa James; Doug Hess; Wayne Munster; Angela Lawson
Subject: RE: CO as a model

Nicole,

I would be happy to do so and we are very pleased you would consider us a "model" state.

-Christi

From: Nicole Kovite [<mailto:nkovite@projectvote.org>]
Sent: Monday, August 31, 2009 4:13 PM
To: Christi Heppard
Cc: Teresa James; Doug Hess; Wayne Munster; Angela Lawson
Subject: CO as a model

Christi:

Project Vote is attempting to work with the state of New Jersey to implement NVRA compliance procedures. Would you allow us to pass on your contact information as someone who might be of help in implementing good procedures and, in particular, an online reporting system?

Nicole

On Aug 31, 2009, at 5:54 PM, Christi Heppard wrote:

Teresa,

I agree with both your comments and Doug's. I'll wait until the morning to send this out so if you guys think of anything else in the meantime, let me know.

-Christi

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Monday, August 31, 2009 2:32 PM
To: Christi Heppard
Cc: Nicole Kovite; Doug Hess; Wayne Munster; Angela Lawson
Subject: Re: Survey to Colorado DHS regarding video

Christi,

The survey looks very good. I have one recommendation on question #4, "how often would you show the video?" It may not be necessary to include the category "never" as an option among the answers because "other (please specify)" would be sufficient to cover counties that don't believe they would ever show

the video. This would avoid inviting the negative reaction of "never", particularly since this question is for offices that already have monitors in their waiting areas.

Thanks for putting this together,

Teresa

On Aug 31, 2009, at 2:09 PM, Christi Heppard wrote:

Nicole, Teresa, and Doug-

As we discussed on Friday, below is a link to the draft survey I plan to send to local DHS offices gauging interest in a video regarding NVRA voter registration that could be shown in their lobbies. Do you have any comments or recommendations before I send this out?

http://www.surveymonkey.com/s.aspx?sm=gOnEXffgdc2B22KTu9mvQg_3d_3d

Thanks,
Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Nicole Kovite
Director, Public Agency Voter Registration Program
Project Vote - www.projectvote.org
202.546.4173 Ext. 303 (Work)

202.271.5101 (Cell)
202.543.3675 (Fax)

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Consider the environment before printing this e-mail.

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Monday, August 31, 2009 6:56 PM
To: Christi Heppard
Cc: Nicole Kovite; Teresa James; Wayne Munster; Angela Lawson
Subject: Re: CO as a model

Model Elections Division, at least. :)

Doug Hess
Research Consultant, Project Vote
202-277-6400 (cell)
202-546-4173 ext.307 (office)

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On Mon, Aug 31, 2009 at 6:16 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

Nicole,

I would be happy to do so and we are very pleased you would consider us a "model" state.

-Christi

From: Nicole Kovite [<mailto:nkovite@projectvote.org>]
Sent: Monday, August 31, 2009 4:13 PM
To: Christi Heppard
Cc: Teresa James; Doug Hess; Wayne Munster; Angela Lawson
Subject: CO as a model

Christi:

Project Vote is attempting to work with the state of New Jersey to implement NVRA compliance procedures. Would you allow us to pass on your contact information as someone who might be of help in implementing good procedures and, in particular, an online reporting system?

Nicole

On Aug 31, 2009, at 5:54 PM, Christi Heppard wrote:

Teresa,

I agree with both your comments and Doug's. I'll wait until the morning to send this out so if you guys think of anything else in the meantime, let me know.

-Christi

From: Teresa James [<mailto:tjames@projectvote.org>]
Sent: Monday, August 31, 2009 2:32 PM
To: Christi Heppard
Cc: Nicole Kovite; Doug Hess; Wayne Munster; Angela Lawson
Subject: Re: Survey to Colorado DHS regarding video

Christi,

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Thanks for putting this together,

Teresa

On Aug 31, 2009, at 2:09 PM, Christi Heppard wrote:

Nicole, Teresa, and Doug-

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http://www.surveymonkey.com/s.aspx?sm=gOnEXfFgdc2B22KTu9mvQg_3d_3d

Thanks,

Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

Teresa James

Election Counsel

Project Vote

202-553-4344

tjames@projectvote.org

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Nicole Kovite

Director, Public Agency Voter Registration Program

Project Vote - www.projectvote.org

202.546.4173 Ext. 303 (Work)

202.271.5101(Cell)

202.543.3675 (Fax)

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Consider the environment before printing this e-mail.

Research Intern

From: Christi Heppard
Sent: Monday, August 03, 2009 4:43 PM
To: 'Doug Hess'
Cc: Wayne Munster; Nicole Kovite; Donald Wine II
Subject: RE: CO question about EAC data

Will do. Thanks for responding so quickly.

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Research Intern

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Research Intern

From: Lisa Doran
Sent: Tuesday, April 05, 2011 12:54 PM
To: 'Nicole Kovite Zeitler'
Cc: Christi Heppard; Paris Nelson
Subject: RE: Colorado 2010 NVRA End of Year Report

Hi Nicole,
Thanks, it does take a team to raise an NVRA village, as it were. Once you get to the stage where you need a quote I would refer you to Richard Coolidge. You may reach him at richard.coolidge@sos.state.co.us.
Thanks
Lisa

From: Nicole Kovite Zeitler [<mailto:nzeitler@projectvote.org>]
Sent: Tuesday, April 05, 2011 10:50 AM
To: Christi Heppard; Lisa Doran; Paris Nelson
Subject: Re: Colorado 2010 NVRA End of Year Report

Christi, Lisa, and Paris:

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We will most certainly be writing a case study about NVRA work in Colorado. Would you be willing to give us a quote or two, once we get to that stage?

Again, Congrats!

Nicole

On Mar 31, 2011, at 6:44 PM, Christi Heppard wrote:

<Microsoft Word - 2010 Year End Report on NVRA compliance final 3.31.pdf>

Nicole Kovite Zeitler
Director, Public Agency Voter Registration Program
Project Vote
737 ½ 8th Street SE
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Research Intern

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Research Intern

From: Donald Wine II <dwine@projectvote.org>
Sent: Monday, June 01, 2009 11:46 AM
To: Christi Heppard
Cc: 'Doug Hess'; Wayne Munster
Subject: RE: Colorado EAC data

Thank you very much, Christi.

Donald Wine II, Esq.
Election Counsel

Project Vote
739 8th Street SE, Suite 202
Washington, DC 20003
dwine@projectvote.org
Office: (202) 546-4173 ext. 305
Cell: (202) 553-7532
Fax: (202) 543-3675

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From: Christi Heppard [<mailto:christi.heppard@sos.state.co.us>]
Sent: Monday, June 01, 2009 11:14 AM
To: Donald Wine II
Cc: Doug Hess; Wayne Munster
Subject: Colorado EAC data

Donald,

As requested, please see the attached data. If you need anything further just let me know.

Thanks,
Christi

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Research Intern

From: Nicole Kovite Zeitler <nkovite@projectvote.org>
Sent: Wednesday, February 23, 2011 4:16 PM
To: Christi Heppard
Cc: Ali Cochran; Lisa Doran; Paris Nelson
Subject: Re: Colorado newsletter

Christi:

Thank you so much for sharing this! We really appreciate it.

Lisa, I had not understood that your position is the NVRA Coordinator. Congratulations and good luck with this job.

Nicole

On Feb 23, 2011, at 4:08 PM, Christi Heppard wrote:

Nicole and Ali,

It was nice speaking with you earlier. After the call I began to wonder if we had shared with you that we produce a newsletter for agencies, typically released quarterly (but admittedly the schedule is flexible), that addresses NVRA items. Attached is the most recent issue that Lisa prepared. I apologize if you have already seen this.

Thanks,
Christi

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<Registration Connections January 2011.pdf>

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Research Intern

From: Dana Williams
Sent: Thursday, September 20, 2007 7:06 PM
To: Mike Slater
Subject: RE: Colorado Open Records Request

Dear Mike,

We were not able to locate the list you were referring to. You may be correct that such a list was created soon after the passage of the NVRA, but we know from experience that many records in the office have been lost through changes in Administration.

Given that a new Secretary of State took office this year, we have been having internal discussions that now is a good time for our office to review its responsibility under the NVRA for the coordination of state responsibilities. For further information, I would suggest that you contact Wayne Munster, Deputy Director of Elections. He may be reached at (303) 894-2200 ext. 6303 or wayne.munster@sos.state.co.us.

Thank you,

Dana Jaclyn Williams
Communications Director
1700 Broadway, Suite 250
Denver, CO 80290
(303) 860-6903
(303) 869-4860 Fax
dana.j.williams@sos.state.co.us
www.sos.state.co.us

From: Mike Slater [<mailto:deputydirect@projectvote.org>]
Sent: Friday, September 14, 2007 12:20 PM
To: Dana Williams
Subject: RE: Colorado Open Records Request

Hi Dana,

This is not responsive to our request. There should be a list (perhaps in the form of a rule, directive or memorandum) that implements the broad language of the statute by naming the agencies that are covered. Identifying, and then informing, the covered agencies is a responsibility assigned by the NVRA to the state's chief elections official. I suspect such a list was compiled and distributed back when the NVRA was first implemented. Thanks for your prompt response,

Michael

From: Dana Williams [<mailto:Dana.Williams@SOS.STATE.CO.US>]
Sent: Friday, September 14, 2007 11:04 AM
To: deputydirect@projectvote.org
Subject: FW: Colorado Open Records Request

Dear Mr. Slater:

Jonathan Tee is no longer with the Secretary of State's office and I will be taking over his duties.

The list of designated voter registration agencies is described in C.R.S. 1-2-504 and I am including the language below. Please let me know if our office can be of further assistance.

Thank you,

Dana Jaclyn Williams
Communications Director
1700 Broadway, Suite 250
Denver, CO 80290
(303) 860-6903
(303) 869-4860 Fax
dana.j.williams@sos.state.co.us
www.sos.state.co.us

1-2-504. Voter registration agencies.

Statute text

(1) The following offices are designated as voter registration agencies:

(a) All offices that provide public assistance;

(b) All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities;

(c) All recruitment offices of the armed forces of the United States; and

(d) Any other federal, state, local government, or nongovernment office that chooses to provide voter registration service or applications.

(2) The following agencies may provide application forms for mail voter registration:

(a) All offices of county clerk and recorders;

(b) All federal post offices; and

(c) Any other federal, state, local government, or nongovernment office that chooses to provide voter registration service or applications.

History

Source: L. 94: Entire part added, p. 1764, § 21, effective January 1, 1995.

From: Mike Slater [<mailto:deputydirect@projectvote.org>]
Sent: Wednesday, September 12, 2007 4:17 PM
To: Jonathan Tee; researchdirector@projectvote.org
Subject: RE: Colorado Open Records Request

Dear Jonathon,

Would you please send us a list of the agencies that the Secretary of State has designated as voter registration agencies as required by the NVRA. Thank you,

Michael Slater
Deputy Director, Project Vote

From: Jonathan Tee [mailto:Jonathan.Tee@SOS.STATE.CO.US]
Sent: Thursday, August 16, 2007 9:05 AM
To: researchdirector@projectvote.org
Cc: deputydirect@projectvote.org
Subject: RE: Colorado Open Records Request

August 16, 2007

Re: Colorado Open Records Request received August 2, 2007.

Dear Mr. Henderson-James:

Attached, please find Excel documents with NVRA data from the State of Colorado to meet your open records request. Also attached is a code of explanations to assist you. The cells in gray are the column headers on the sheets and the cells beneath those are the explanation.

The attached document contains all the information on file with the Secretary of State's office that is relevant to your request; some items from your request are not included in this document. For instance, the Colorado Secretary of State's office does not conduct training seminars for voter registration agencies; we therefore do not have training materials to that affect. Also, in Colorado county officials are empowered to work with agencies, and therefore contact information for specific individuals within each agency would be found at the county level.

Please feel free to contact me with any questions regarding the attached information.

Best,

Jonathan Tee
Communications Director
Secretary of State's Office

From: Jonathan Tee
Sent: Tuesday, August 07, 2007 2:10 PM
To: 'deputydirect@projectvote.org'
Cc: Jonathan Tee
Subject: Colorado Open Records Request

August 7, 2007

Michael Slater
Deputy Director, Project Vote

Re: Colorado Open Records Request received August 2, 2007.

Dear Mr. Slater:

The Colorado Secretary of State's office is in receipt of your request for open records; your inquiry was received by the Secretary of State's office on August 2, 2007.

This correspondence is to inform you that the Secretary of State's office requires an extension of the three days prescribed by Colorado law to meet this request. Colorado Revised Statute 24-72-203(3)(b)(III) allows state agencies to take up to seven days if "a request involves such a large volume of records that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities."

This office does not expect to take the full seven additional days, however, and we will do all we can to reply to your request as quickly as possible. Please feel free to call me with any questions or concerns.

Best regards,

Jonathan

Jonathan Tee
Communications Director
Colorado Secretary of State
(303) 860-6903

Research Intern

From: Teresa James <tjames@projectvote.org>
Sent: Wednesday, April 14, 2010 4:27 PM
To: Christi Heppard
Subject: Re: Colorado's 2009 End of Year Report on NVRA Compliance and Statistics

Thanks, Christi,

Teresa

On Apr 14, 2010, at 4:25 PM, Christi Heppard wrote:

As promised, here is Colorado's 2009 End of Year Report. It should be up on our website in the next few days.

-Christi

P.S. Doug, I'm still waiting for numbers from CDHS and from our database guys – didn't want you to think I had forgotten about you.

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

<Year End Report on NVRA compliance final 4.14.10.pdf>

Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Wednesday, April 14, 2010 4:26 PM
To: Christi Heppard
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran
Subject: Re: Colorado's 2009 End of Year Report on NVRA Compliance and Statistics

Great. Thanks!

Doug Hess
202-277-6400 (cell)

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> christi.heppard@sos.state.co.us

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>

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Thursday, April 15, 2010 5:12 PM
To: Christi Heppard
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran; Nicole Kovite
Subject: Re: Colorado's 2009 End of Year Report on NVRA Compliance and Statistics

Please let us know where and when this goes on up your website as we may want to link to it from our blog or email newsletter, etc. Thanks!

Doug Hess
202-277-6400 (cell)

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> christi.heppard@sos.state.co.us

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>
>

Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Monday, September 21, 2009 1:35 PM
To: Christi Heppard
Cc: Nicole Kovite; Yolanda Sheffield; Teresa James; Wayne Munster
Subject: Re: Colorado's redesigned voter registration application

Thanks.

Just to bring Nicole, Teresa, and Yolanda up to speed: Christi let me know today that DHS is going to go ahead with a plan to have all recertification mailings (and maybe others?) done centrally (instead of through each county) and that this mailing will include voter registration applications. Christi said that DHS thought this would reach over 400,000 people a year.

As the registration application that goes in this mailing is redesigned we should keep an eye on how it can be used to best capture data on the number of people that do register this way. There is little, may be zero actually, data on this anywhere in the country, so figuring this out now will be very important. Indeed, we might be interested in running some small experiments with the mailings and helping to pay for that to help better understand what increases response rates, but we can discuss that once the mailing gets started or we get closer to it.

Thanks again, this is exciting news.

Doug Hess
202-277-6400 (cell)

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On Mon, Sep 21, 2009 at 12:43 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

Doug,

When we spoke on the phone this morning, I inadvertently provided you incorrect information regarding our redesigned voter registration form. Right now only our county clerks have access to the draft application – the “public comment” period will begin sometime the first week of October so I’ve instructed our legal team (they oversee all forms) to add Project Vote to the distribution list for public comment. Sorry for the confusion.

-Christi

Christi Heppard

Colorado Department of State

Elections Division - Special Projects

1700 Broadway, Suite 270

Denver, Co. 80290

303-894-2200 xtn 6340 (phone)

303-869-4861 (fax)

christi.heppard@sos.state.co.us

Research Intern

From: Teresa James <tjames@projectvote.org>
Sent: Monday, September 21, 2009 1:45 PM
To: Doug Hess
Cc: Christi Heppard; Nicole Kovite; Yolanda Sheffield; Wayne Munster
Subject: Re: Colorado's redesigned voter registration application

Thanks, this is great news.

Teresa

On Sep 21, 2009, at 1:34 PM, Doug Hess wrote:

Thanks.

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Teresa James

Election Counsel

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202-553-4344

tjames@projectvote.org

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Research Intern

From: douglasrhess@gmail.com
Sent: Tuesday, April 06, 2010 4:23 PM
To: Christi Heppard; Teresa James
Cc: Yolanda Sheffield; Wayne Munster; Judd Choate; Lisa Doran
Subject: Re: Compiled County Reports 2009, 2010

Thanks. Do these line up with annual Survey Monkey totals? Is there a way to run totals like that off of their web site?
Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

-----Original Message-----

From: "Christi Heppard" <christi.heppard@sos.state.co.us>
Date: Tue, 6 Apr 2010 12:22:14
To: <tjames@projectvote.org>
Cc: Yolanda Sheffield<ysheffield@projectvote.org>; <douglasrhess@gmail.com>; Wayne Munster<Wayne.Munster@SOS.STATE.CO.US>; Judd Choate<Judd.Choate@SOS.STATE.CO.US>; Lisa Doran<Lisa.Doran@SOS.STATE.CO.US>
Subject: RE: Compiled County Reports 2009, 2010

Thanks, Teresa. I'm attaching some numbers that we pulled out of our SCORE voter registration system that we might also want to discuss this afternoon. I'll bring copies to the meeting.

-Christi

-----Original Message-----

From: tjames@projectvote.org [<mailto:tjames@projectvote.org>]
Sent: Tuesday, April 06, 2010 11:43 AM
To: Christi Heppard; Wayne Munster; Judd Choate
Cc: Yolanda Sheffield; douglasrhess@gmail.com
Subject: Compiled County Reports 2009, 2010

Christi,

For our meeting this afternoon, I've attached a spreadsheet that Doug compiled, showing the reported numbers from the largest counties.

I will forward a copy of a proposed agenda for the meeting shortly, just making a few last minute tweaks.

Teresa

Research Intern

From: Christi Heppard
Sent: Tuesday, April 06, 2010 2:22 PM
To: 'tjames@projectvote.org'
Cc: Yolanda Sheffield; douglasrhess@gmail.com; Wayne Munster; Judd Choate; Lisa Doran
Subject: RE: Compiled County Reports 2009, 2010
Attachments: county reg numbers combin 07 to 09 4.6.10 meeting.xlsx

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Sent: Tuesday, April 06, 2010 11:43 AM
To: Christi Heppard; Wayne Munster; Judd Choate
Cc: Yolanda Sheffield; douglasrhess@gmail.com
Subject: Compiled County Reports 2009, 2010

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Teresa

Research Intern

From: Christi Heppard
Sent: Thursday, April 08, 2010 3:58 PM
To: 'Doug Hess'
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran
Subject: RE: Compiled County Reports 2009, 2010

Doug,

Let's do talk on the phone tomorrow. I'm excited about the prospect of researching the effectiveness of mailings but I'm not sure how successful we will be since SCORE doesn't track whether the form was completed in-person at a covered agency or mailed centrally. In any event, I'll try to call you tomorrow but feel free to give me a ring at your convenience if you prefer.

-Christi

P.S. I'll send over the form and the number of mailings once I have that. Also, as far as I know, there is no reference to voter registration on the DHS materials but we will try to confirm that.

-----Original Message-----

From: Doug Hess [mailto:douglasrhess@gmail.com]
Sent: Thursday, April 08, 2010 1:26 PM
To: Christi Heppard
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran
Subject: Re: Compiled County Reports 2009, 2010

Thanks so much. This is very helpful. We might be able to see if this data is sufficient to conduct a simple experiment with how the mailing can be improved with low or no-costs tweaks to increase response rates. We have some researchers here in DC and at some universities around the nation that might help us and you with that at no charge. I'll see what they think once I see the data.

In the meantime, can you email (or mail) me what forms related to voter reg go in the mailing? Is there a mention of voter registration in any of the materials other than the application itself?

Sorry to pepper you with so many questions and requests, but this might be the only state (other than a project we did in Michigan in 1996!) where we can get an estimate of how effective agency voter reg mailings are.

Doug Hess
202-277-6400 (cell)

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On Thu, Apr 8, 2010 at 1:56 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:
> Doug,

>
> I'll ask our database guru to run the reports - I would think having them by next week would not be a problem.
>
> Getting the actual mailing dates of the centrally-sent forms will be more problematic since they are sent out by the state's main print/mail shop. From what I understand, the mailings go out the first week of each month but the actual shipping date can vary. Also, here at the SOS we do not get the exact number of mailings that go out, we just have 43,000 forms printed each month and the print shop saves whatever is left over for the next month. Regardless, we can see if they keep the count and mailing date.
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> I'll be in touch when I know more and will call you if I have questions.
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> -Christi
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> Sent: Thursday, April 08, 2010 11:27 AM
> To: Christi Heppard
> Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran
> Subject: Re: Compiled County Reports 2009, 2010
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> Thanks. To see what impact the mailings have had, I think looking at the monthly reports from August 2009 to March 2010 would be useful. It would also help to know how big the mailing was in each month and what day it went out (if it's not the same each and every month). This assumes that reporting has been consistent over those 8 months, but I guess the monthly reports would help see if any county has lapsed and it sounds like things were running for a quite a while by Aug 2009.
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> I think if the results are positive we'd like to advertise your success on our blog and in our newsletter. Do you think you could run that data next week? If you want to talk on the phone, I'll be in the office tomorrow (I'm only working part time as I'm trying to give my long neglected dissertation more time).
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> Thanks. This sounds promising.
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> On Thu, Apr 8, 2010 at 1:09 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:
>> Doug,
>>
>> 1) SCORE was not fully implemented until April of 2008. We rolled out the system in waves beginning with a few pilot counties in mid 2007 and then started adding non-pilot counties on by groups in late December of 2007.
>>
>> 2) Yes, I believe we can produce SCORE reports by month. What time period were you thinking about? Also, just to clarify, we started including a voter registration form with the DHS central mailings in November of 2009.
>>
>> Thanks,
>> Christi

>>

>>

>> Christi Heppard

>> Colorado Department of State

>> Elections Division - Special Projects 1700 Broadway, Suite 270

>> Denver, Co. 80290 303-894-2200 xtn 6340 (phone)

>> 303-869-4861 (fax)

>> christi.heppard@sos.state.co.us

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>> -----Original Message-----

>> From: Doug Hess [mailto:douglasrhess@gmail.com]

>> Sent: Thursday, April 08, 2010 9:57 AM

>> To: Christi Heppard

>> Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran

>> Subject: Re: Compiled County Reports 2009, 2010

>>

>> Thanks. Another couple questions:

>>

>> 1) Roughly what percent of officials were reporting into SCORE in 2007, 2008, and 2009? I recall that you said SCORE may not have been collecting all the voter registration source data in some years...were any of the largest counties missing in 2008 and 2009 if we use those as a comparison?

>>

>> 2) Can you produce SCORE reports monthly? I wonder if you pull out a few months before and a few months after the mailing started what jump was seen in the totals and if it persists. I forget when the large mailings started, but is this possible and are all the large counties reporting to SCORE in both the months before and after the mailing started (if they report sporadically it would throw off this simple analysis).

>>

>> Doug Hess

>> 202-277-6400 (cell)

>>

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>> On Wed, Apr 7, 2010 at 5:18 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

>>> Doug,

>>>

>>> Hmm. I'm not sure if we have it combined into one big spreadsheet or not, but I'll check. We do have spreadsheets for each individual reporting period. Let me see what Lisa and I can do.

>>>

>>> -Christi

>>>

>>> -----Original Message-----

>>> From: Doug Hess [mailto:douglasrhess@gmail.com]

>>> Sent: Wednesday, April 07, 2010 7:29 AM

>>> To: Christi Heppard

>>> Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran

>>> Subject: Re: Compiled County Reports 2009, 2010

>>>

>>> I meant the survey monkey web site, not the SOS website. I was thinking that you could compare the registrations transmitted by agencies reported to survey monkey to those that are recorded by local officials and reported to SCORE. Teresa pointed out to me that the difference would in part be due to people registering through the mailings that you now do. So, it may not be as useful as I originally thought. Nonetheless, is there a 2009 report total for Survey Monkey?

>>>

>>> Doug Hess

>>> 202-277-6400 (cell)

>>>

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>>>> Cc: Yolanda Sheffield; Wayne Munster; Judd Choate; Lisa Doran

>>>> Subject: Re: Compiled County Reports 2009, 2010

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>>>> Sent from my BlackBerry® smartphone, powered by CREDO Mobile.

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>>>> From: "Christi Heppard" <christi.heppard@sos.state.co.us>

>>>> Date: Tue, 6 Apr 2010 12:22:14

>>>> To: <tjames@projectvote.org>

>>>> Cc: Yolanda Sheffield<ysheffield@projectvote.org>;

>>>> <douglasrhess@gmail.com>; Wayne

>>>> Munster<Wayne.Munster@SOS.STATE.CO.US>; Judd

>>>> Choate<Judd.Choate@SOS.STATE.CO.US>; Lisa

>>>> Doran<Lisa.Doran@SOS.STATE.CO.US>

>>>> Subject: RE: Compiled County Reports 2009, 2010

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>>>> Sent: Tuesday, April 06, 2010 11:43 AM

>>>> To: Christi Heppard; Wayne Munster; Judd Choate

>>>> Cc: Yolanda Sheffield; douglasrhess@gmail.com

>>>> Subject: Compiled County Reports 2009, 2010

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Research Intern

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> Christi Heppard

> Colorado Department of State

> Elections Division - Special Projects

> 1700 Broadway, Suite 270

> Denver, Co. 80290

> 303-894-2200 xtn 6340 (phone)

> 303-869-4861 (fax)

> christi.heppard@sos.state.co.us

>

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> -----Original Message-----

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> Sent: Thursday, April 08, 2010 9:57 AM

> To: Christi Heppard

> Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran

> Subject: Re: Compiled County Reports 2009, 2010

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> 202-277-6400 (cell)

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>>> Date: Tue, 6 Apr 2010 12:22:14

>>> To: <tjames@projectvote.org>

>>> Cc: Yolanda Sheffield<ysheffield@projectvote.org>;

>>> <douglasrhess@gmail.com>; Wayne

>>> Munster<Wayne.Munster@SOS.STATE.CO.US>; Judd

>>> Choate<Judd.Choate@SOS.STATE.CO.US>; Lisa

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Research Intern

From: Christi Heppard
Sent: Thursday, April 08, 2010 4:39 PM
To: 'Teresa James'
Cc: Doug Hess; Yolanda Sheffield; Lisa Doran
Subject: RE: Compiled County Reports 2009, 2010

I'll set up a conference call for tomorrow so we can discuss further. Let check my calendar. I'll send the invite to everyone but if you can't (or don't wish to) attend, that's fine.

-Christi

From: Teresa James [mailto:tjames@projectvote.org]
Sent: Thursday, April 08, 2010 2:22 PM
To: Christi Heppard
Cc: Doug Hess; Yolanda Sheffield; Lisa Doran
Subject: Re: Compiled County Reports 2009, 2010

Doug's thoughts raise a very interesting line of inquiry. I'd love to join both of you when you have a conversation about this. Is there a way you can hook us up on a three-way call? I am available for a call pretty much anytime after 11:00 a.m. mountain time. Also, if the registration form is sent with any explanatory mailings, please send me a copy of them too.

Is it possible to make a slight change to the coding of the registration applications that are mailed centrally at any time in the near future? Something such as adding a extra letter or number to denote the origin to differentiate those that are sent from the central mailing?

Teresa

On Apr 8, 2010, at 3:58 PM, Christi Heppard wrote:

Doug,

Let's do talk on the phone tomorrow. I'm excited about the prospect of researching the effectiveness of mailings but I'm not sure how successful we will be since SCORE doesn't track whether the form was completed in-person at a covered agency or mailed centrally. In any event, I'll try to call you tomorrow but feel free to give me a ring at your convenience if you prefer.

-Christi

P.S. I'll send over the form and the number of mailings once I have that. Also, as far as I know, there is no reference to voter registration on the DHS materials but we will try to confirm that.

-----Original Message-----

From: Doug Hess [mailto:douglasrhess@gmail.com]
Sent: Thursday, April 08, 2010 1:26 PM
To: Christi Heppard
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran

Subject: Re: Compiled County Reports 2009, 2010

Thanks so much. This is very helpful. We might be able to see if this data is sufficient to conduct a simple experiment with how the mailing can be improved with low or no-costs tweaks to increase response rates. We have some researchers here in DC and at some universities around the nation that might help us and you with that at no charge.

I'll see what they think once I see the data.

In the meantime, can you email (or mail) me what forms related to voter reg go in the mailing? Is there a mention of voter registration in any of the materials other than the application itself?

Sorry to pepper you with so many questions and requests, but this might be the only state (other than a project we did in Michigan in 1996!) where we can get an estimate of how effective agency voter reg mailings are.

Doug Hess
202-277-6400 (cell)

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On Thu, Apr 8, 2010 at 1:56 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

Doug,

I'll ask our database guru to run the reports - I would think having them by next week would not be a problem.

Getting the actual mailing dates of the centrally-sent forms will be more problematic since they are sent out by the state's main print/mail shop. From what I understand, the mailings go out the first week of each month but the actual shipping date can vary. Also, here at the SOS we do not get the exact number of mailings that go out, we just have 43,000 forms printed each month and the print shop saves whatever is left over for the next month. Regardless, we can see if they keep the count and mailing date.

I'll be in touch when I know more and will call you if I have questions.

-Christi

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From: Doug Hess [<mailto:douglasrhess@gmail.com>]

Sent: Thursday, April 08, 2010 11:27 AM

To: Christi Heppard

Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran

Subject: Re: Compiled County Reports 2009, 2010

Thanks. To see what impact the mailings have had, I think looking at the monthly reports from August 2009 to March 2010 would be useful. It would also help to know how big the mailing was in each month and what day it went out (if it's not the same each and every month). This assumes that reporting has been consistent over those 8 months, but I guess the monthly reports would help see if any county has lapsed and it sounds like things were running for a quite a while by Aug 2009.

I think if the results are positive we'd like to advertise your success on our blog and in our newsletter. Do you think you could run that data next week? If you want to talk on the phone, I'll be in the office tomorrow (I'm only working part time as I'm trying to give my long neglected dissertation more time).

Thanks. This sounds promising.

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2) Yes, I believe we can produce SCORE reports by month. What time period were you thinking about? Also, just to clarify, we started including a voter registration form with the DHS central mailings in November of 2009.

Thanks,
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Project Vote
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tjames@projectvote.org

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Subject: Compiled County Reports 2009, 2010

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Attachments: county reg numbers combin 07 to 09 4.6.10 meeting.xlsx

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Attachments: DHS NVRA_04_01_10.pdf

Doug,

In advance of our conference call, I wanted to send you the Voter Registration form that is included in the RRR centrally-mailed packet. The form is a single page, double-sided, printed on light green paper. Also, I should note that this is our "new" form and April was the first month this version was used. I'm still gathering other information and will forward that to you once received from CDHS.

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Doug,

Let's do talk on the phone tomorrow. I'm excited about the prospect of researching the effectiveness of mailings but I'm not sure how successful we will be since SCORE doesn't track whether the form was completed in-person at a covered agency or mailed centrally. In any event, I'll try to call you tomorrow but feel free to give me a ring at your convenience if you prefer.

-Christi

P.S. I'll send over the form and the number of mailings once I have that. Also, as far as I know, there is no reference to voter registration on the DHS materials but we will try to confirm that.

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>>> Christi Heppard

>>> Colorado Department of State

>>> Elections Division - Special Projects 1700 Broadway, Suite 270

>>> Denver, Co. 80290 303-894-2200 xtn 6340 (phone)

>>> 303-869-4861 (fax)

>>> christi.heppard@sos.state.co.us

>>>

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>>> From: douglasrhess@gmail.com [mailto:douglasrhess@gmail.com]

>>> Sent: Tuesday, April 06, 2010 2:23 PM

>>> To: Christi Heppard; Teresa James

>>> Cc: Yolanda Sheffield; Wayne Munster; Judd Choate; Lisa Doran

>>> Subject: Re: Compiled County Reports 2009, 2010

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>>> Date: Tue, 6 Apr 2010 12:22:14

>>> To: <tjames@projectvote.org>

>>> Cc: Yolanda Sheffield<ysheffield@projectvote.org>;

>>> <douglasrhess@gmail.com>; Wayne

>>> Munster<Wayne.Munster@SOS.STATE.CO.US>; Judd

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>>> Subject: Compiled County Reports 2009, 2010

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Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Thursday, April 08, 2010 1:27 PM
To: Christi Heppard
Cc: tjames@projectvote.org; Yolanda Sheffield; Lisa Doran
Subject: Re: Compiled County Reports 2009, 2010

Thanks. To see what impact the mailings have had, I think looking at the monthly reports from August 2009 to March 2010 would be useful. It would also help to know how big the mailing was in each month and what day it went out (if it's not the same each and every month). This assumes that reporting has been consistent over those 8 months, but I guess the monthly reports would help see if any county has lapsed and it sounds like things were running for a quite a while by Aug 2009.

I think if the results are positive we'd like to advertise your success on our blog and in our newsletter. Do you think you could run that data next week? If you want to talk on the phone, I'll be in the office tomorrow (I'm only working part time as I'm trying to give my long neglected dissertation more time).

Thanks. This sounds promising.

Doug Hess
202-277-6400 (cell)

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On Thu, Apr 8, 2010 at 1:09 PM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

> Doug,
>
> 1) SCORE was not fully implemented until April of 2008. We rolled out the system in waves beginning with a few pilot counties in mid 2007 and then started adding non-pilot counties on by groups in late December of 2007.
>
> 2) Yes, I believe we can produce SCORE reports by month. What time period were you thinking about? Also, just to clarify, we started including a voter registration form with the DHS central mailings in November of 2009.
>
> Thanks,
> Christi
>
>
> Christi Heppard
> Colorado Department of State
> Elections Division - Special Projects
> 1700 Broadway, Suite 270
> Denver, Co. 80290
> 303-894-2200 xtn 6340 (phone)
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> Thanks. Another couple questions:

>

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> 2) Can you produce SCORE reports monthly? I wonder if you pull out a few months before and a few months after the mailing started what jump was seen in the totals and if it persists. I forget when the large mailings started, but is this possible and are all the large counties reporting to SCORE in both the months before and after the mailing started (if they report sporadically it would throw off this simple analysis).

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>> From: Doug Hess [mailto:douglasrhess@gmail.com]
>> Sent: Wednesday, April 07, 2010 7:29 AM
>> To: Christi Heppard
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Colorado Voter Registration Form

Fill out all fields marked with an asterisk (*). Follow the instructions for other fields. If you do not provide all of the required information, your application to register to vote will not be complete.

For office use only

Voter ID Number: _____

Date Stamp: _____

Your eligibility to vote

Are you a citizen of the United States?* Yes ☐ No ☐

Will you be at least 18 years of age on or before the next Election Day?* Yes ☐ No ☐

If you answered "No" to either of the above questions, do not complete this form.

Your name

Last name*

First name*

Middle name

If you are currently registered to vote with a different name, what is that name? _____

Your identifying information

Your birthdate* (MM/DD/YYYY)

Your gender*

Female ☐

Male ☐

You must select one of the following and provide the requested information*

☐ I have a valid Colorado Driver's License or Colorado ID card (issued by the Dept. of Revenue) and that number is _____

☐ I have not been issued a Colorado Driver's License or ID card, but I have a Social Security Number & the last 4 digits are _____

☐ I do not have a Colorado Driver's License, ID card, or a Social Security Number.

Your contact information

Your home address

Street address (No P.O. Boxes)*

Apt. or Unit

City or Town*

ZIP Code*

Colorado County

When did you move to this address?* (MM/DD/YYYY)

Address where you receive your mail (required if different from your home address)

Mailing address

Apt. or Unit

City or Town

State

ZIP Code

Your former address

If you are changing your registration to a new address, you must provide the address where you were formerly registered to vote.

Street address (No P.O. Boxes)

Apt. or Unit

City or Town

State

ZIP Code

Your phone number and email

Area code

Phone number

Email address

Select or change your political party affiliation

Select only one. (Required if you want to vote in a party's Primary Election or participate in a party caucus).

American Constitution ☐

Democratic ☐

Green ☐

Libertarian ☐

Republican ☐

Unity ☐

Unaffiliated ☐

Voting by mail - Do you wish to be designated as a permanent mail-in voter?

☐ Yes, I want to be a permanent mail-in voter and automatically receive a mail-in ballot for all applicable elections.

☐ No, I do not want to be a permanent mail-in voter and if my name is on the permanent mail-in list I want it removed.

☐ No, but I would like a mail-in ballot for this year's statewide elections.

If you want your mail-in ballot sent to an address that differs from the home or mailing address you listed above, you will need to fill out a separate Mail-in Ballot Application.

Helping with elections

I would like to be an election judge or poll worker. Yes ☐ No ☐

Sign or mark below

WARNING: It is a crime to swear or affirm falsely as to your qualifications to register to vote.

A violation of the self-affirmation, of which you are about to make, is a criminal act under Colorado law and you will be subject to the penalties provided by law.

Self-Affirmation: I do solemnly affirm that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least 30 days and in my present precinct at least 30 days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. I am aware that I can only legally vote in one place in any election and if I register to vote in Colorado I am also considered a resident of Colorado for income tax and motor vehicle registration and operation.

Sign here

Signature or Mark*

Date*

Witness Signature

Date

(If you are registering for a Mail-in Ballot and are unable to sign, you must make a mark and a witness to the mark must sign here).

Information about this application

Why have I received this application?

We want to give you the opportunity to update your voter registration information or apply to register to vote. If you do not complete this form and return it to the appropriate agency, you will be considered to have decided not to register to vote at this time.

Can I get help filling out this application?

Yes. If you would like help in filling out the voter registration application form, an agency representative will help you. The decision whether to seek or accept help is yours. You may fill out the application in private.

Must I fill out this application?

No, it is your choice.

How do I turn in the application?

You may

- return it to the agency that sent it to you and they will turn it in for you
- mail or deliver it to your county clerk and recorder's office. (A directory of county clerk offices is available online at www.elections.colorado.gov)

How will I know if my registration was processed?

You will receive an official information card from your county clerk and recorder's office approximately 20 days after they receive your registration form.

You may also check your status at the Colorado Secretary of State website by visiting www.sos.state.co.us, clicking on the "verify/update my voter registration" link.

Can I get more applications?

Yes. Contact the agency that sent this to you and they will send you additional applications.

Does filling out or not filling out the registration form affect services I am applying for?

No. Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

How private is this process?

The name and location of the agency or public office where you received the voter registration application will not appear on your records. If you decide not to use this application to register to vote, that is also confidential.

Who should I contact if I have more questions?

You may

- contact the agency that sent this to you
- contact your county clerk and recorder
- call the Secretary of State's office at (303)-894-2200

If you are hearing-impaired, call the state TDD number at (303) 869-4867.

Para información en español, por favor llame por telefono al secretario y registrador del conado correspondiente.

Information about registering and voting

Am I eligible to register to vote?

You are eligible to vote if you:

- will be 18 years of age or older at the time of the next election
- are a United States citizen
- are a Colorado resident and have lived in your current precinct for at least 30 days before the election
- are not serving a sentence (including parole) for a felony conviction

Will I need identification to vote?

If you vote in person, yes. If you are voting by mail for the first time, you may need to provide a photocopy of your ID.

For information about acceptable forms of ID, visit the Secretary of State's website or contact your county clerk and recorder's office.

When is the last day to register to vote?

29 days before an election.

What is mail-in voting?

If you choose not go to the polls on Election Day, you may apply to vote by mail-in ballot.

Under Colorado law, your Mail-in Ballot Application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and date of birth. If you do not provide all of this information, you may not receive a mail-in ballot according to the rules established by the Secretary of State.
[Section 1-8-104(6), C.R.S.]

What is permanent mail-in voting?

If you choose to be placed on the list of permanent mail-in voters, you will receive a mail-in ballot for every applicable election. Alternatively, you may ask for a mail-in ballot for a specific election or the calendar year.

Important Notice:

If you believe that someone has interfered with

- your right to register or to decline to register to vote
- your right to privacy in deciding whether to register or in applying to register to vote
- your right to choose your own political party or other political preference

You may file a complaint with:



Colorado Secretary of State
1700 Broadway
Denver, CO 80290
Phone: (303) 894-2200

Research Intern

From: Donald Wine II <dwine@projectvote.org>
Sent: Monday, May 18, 2009 4:38 PM
To: Wayne Munster; Christi Heppard
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

Hi Wayne and Christi,

Would you be free at 11am Eastern/9am Mountain time? Please let me know if this works for both of you. We can use the following number:

1-218-844-3388
Code: 112278

Donald Wine II, Esq.
Election Counsel

Project Vote
739 8th Street SE, Suite 202
Washington, DC 20003
dwine@projectvote.org
Office: (202) 546-4173 ext. 305
Cell: (202) 553-7532
Fax: (202) 543-3675

The information contained in this electronic mail transmission may contain information that is privileged or otherwise confidential. If you have received this electronic mail transmission in error, please delete it from your system without copying or forwarding it, and notify the sender of the error.

From: Wayne Munster [<mailto:Wayne.Munster@SOS.STATE.CO.US>]
Sent: Friday, May 15, 2009 2:40 PM
To: Donald Wine II; Christi Heppard
Cc: Doug Hess; Nicole Kovite
Subject: RE: Conference Call - CO NVRA

Thank you for your e-mail.

Christi and I available on the 29th. Is there a good time for your group?

Thank you,

Wayne Munster
Elections Division
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290
Ph. 303-894-2200 Ext. 6303

FAX 303-869-4861

E-mail wayne.munster@sos.state.co.us

From: Donald Wine II [<mailto:dwine@projectvote.org>]

Sent: Wednesday, May 13, 2009 2:26 PM

To: Wayne Munster; Christi Heppard

Cc: 'Doug Hess'; 'Nicole Kovite'

Subject: Conference Call - CO NVRA

Good afternoon Wayne and Christi,

Doug Hess and I are interested in speaking with you about the NVRA in Colorado. Namely, we wanted to ask about possible updates to the biweekly online survey, the role county clerks & recorders play in the public agency registration process, as well as hear about what agencies are doing with online applications.

We are available during the day May 27-29 with the exception of the morning of May 28. Please let us know what your time availability is for those dates.

Also, we would appreciate a copy of your reply to the EAC survey for 2007-2008 if you have it available.

Thanks, Wayne and Christi. We look forward to speaking with you.

Donald Wine II, Esq.

Election Counsel

Project Vote

739 8th Street SE, Suite 202

Washington, DC 20003

dwine@projectvote.org

Office: (202) 546-4173 ext. 305

Cell: (202) 553-7532

Fax: (202) 543-3675

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Research Intern

From: Christi Heppard
Sent: Friday, May 29, 2009 11:51 AM
To: 'Donald Wine II'
Cc: 'Doug Hess'; Wayne Munster
Subject: RE: Conference Call - CO NVRA

Donald,

Here is a link to House Bill 09-1160 regarding online voter registration that we discussed on our call earlier. Please let me know if you need anything further.

http://www.leg.state.co.us/clics/clics2009a/csl.nsf/fsbillcont3/2C915DDDB8F987AD8725753C00719C62?open&file=1160_enr.pdf

Thanks,
Christi

From: Donald Wine II [<mailto:dwine@projectvote.org>]
Sent: Monday, May 18, 2009 2:38 PM
To: Wayne Munster; Christi Heppard
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

Hi Wayne and Christi,

Would you be free at 11am Eastern/9am Mountain time? Please let me know if this works for both of you. We can use the following number:

1-218-844-3388
Code: 112278

Donald Wine II, Esq.
Election Counsel

Project Vote
739 8th Street SE, Suite 202
Washington, DC 20003
dwine@projectvote.org
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From: Wayne Munster [<mailto:Wayne.Munster@SOS.STATE.CO.US>]
Sent: Friday, May 15, 2009 2:40 PM
To: Donald Wine II; Christi Heppard
Cc: Doug Hess; Nicole Kovite
Subject: RE: Conference Call - CO NVRA

Thank you for your e-mail.

Christi and I available on the 29th. Is there a good time for your group?

Thank you,

Wayne Munster
Elections Division
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290
Ph. 303-894-2200 Ext. 6303
FAX 303-869-4861
E-mail wayne.munster@sos.state.co.us

From: Donald Wine II [<mailto:dwine@projectvote.org>]
Sent: Wednesday, May 13, 2009 2:26 PM
To: Wayne Munster; Christi Heppard
Cc: 'Doug Hess'; 'Nicole Kovite'
Subject: Conference Call - CO NVRA

Good afternoon Wayne and Christi,

Doug Hess and I are interested in speaking with you about the NVRA in Colorado. Namely, we wanted to ask about possible updates to the biweekly online survey, the role county clerks & recorders play in the public agency registration process, as well as hear about what agencies are doing with online applications.

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Research Intern

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Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
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Elections Division
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290
Ph. 303-894-2200 Ext. 6303

FAX 303-869-4861

E-mail wayne.munster@sos.state.co.us

From: Donald Wine II [<mailto:dwine@projectvote.org>]

Sent: Wednesday, May 13, 2009 2:26 PM

To: Wayne Munster; Christi Heppard

Cc: 'Doug Hess'; 'Nicole Kovite'

Subject: Conference Call - CO NVRA

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Research Intern

From: Christi Heppard
Sent: Tuesday, May 26, 2009 11:01 AM
To: 'Donald Wine II'; Wayne Munster
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

Donald,

We are available at 9am Denver time on Friday. My apologies for not responding sooner; we must have gotten our wires crossed here.

Thanks,
Christi

Christi Heppard
Colorado Department of State
Elections Division - Special Projects
1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: Donald Wine II [<mailto:dwine@projectvote.org>]
Sent: Tuesday, May 26, 2009 8:53 AM
To: Wayne Munster; Christi Heppard
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

Hi Wayne and Christi,

I'm writing to follow up on my previous email regarding a time for our conference call this Friday. Are you both free at 9am Denver/11am Washington time? Please let me know if that time or if a better time would work for you. Looking forward to speaking with you both soon.

Thanks,

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From: Donald Wine II [<mailto:dwine@projectvote.org>]
Sent: Monday, May 18, 2009 4:38 PM
To: 'Wayne Munster'; 'Christi Heppard'
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

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Subject: RE: Conference Call - CO NVRA

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Research Intern

From: Donald Wine II <dwine@projectvote.org>
Sent: Tuesday, May 26, 2009 10:53 AM
To: Wayne Munster; Christi Heppard
Cc: 'Doug Hess'; 'Nicole Kovite'; 'bmellor'
Subject: RE: Conference Call - CO NVRA

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Research Intern

From: Christi Heppard
Sent: Friday, May 21, 2010 3:32 PM
To: 'Doug Hess'
Cc: Ali Cochran; Teresa James
Subject: RE: Contact info for Colorado DHS contacts

Doug,

I want to talk to my group about these numbers to get some additional brain power. I can't get us all together until sometime next week but I'll let you know what thoughts we have. Also, I have a call into Adams DHS but haven't heard back yet – I'm hopeful that they will be able to track the RRR mailings as we discussed yesterday.

Still working on the EAC report and differentiating between agencies providing public assistance and agencies serving people with disabilities. Our database guy has been out the last few days so I won't have an answer for that question until next week.

Finally, according to what I found on the census website, Colorado has a 67% registration rate.

-Christi

From: Doug Hess [<mailto:douglasrhess@gmail.com>]
Sent: Thursday, May 20, 2010 10:04 AM
To: Christi Heppard
Cc: Ali Cochran; Teresa James
Subject: Re: Contact info for Colorado DHS contacts

Thanks. Attached is the monthly comparison of SCORE to Survey Monkey. Might be good to check this if you can Christi so it's not just me, but this shows tha SCORE generally reports (both before and after the mailing went out) much more than Survey Monkey.

Reasons could include non-reporting in Survey Monkey, miscoding or inclusion of other soucres in SCORE as public aid/disability, results from the very large mailing, and WIC agencies. Other ideas?

Doug Hess
202-277-6400 (cell)

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On Thu, May 20, 2010 at 11:50 AM, Christi Heppard <christi.heppard@sos.state.co.us> wrote:

As requested, please find the contact information for Liz McDonough and Pauline Burton attached.

-Christi

Christi Heppard

Colorado Department of State

Elections Division - Special Projects

1700 Broadway, Suite 270

Denver, Co. 80290

303-894-2200 xtn 6340 (phone)

303-869-4861 (fax)

christi.heppard@sos.state.co.us

----- Forwarded message -----

From: "Christi Heppard" <christi.heppard@sos.state.co.us>

To:

Date: Fri, 14 Dec 2007 11:54:38 -0600

Subject: Liz McDonough

----- Forwarded message -----

From: "Christi Heppard" <christi.heppard@sos.state.co.us>

To:

Date: Mon, 22 Jun 2009 12:34:37 -0600

Subject: Pauline Burton

Research Intern

From: Christi Heppard
Sent: Thursday, May 27, 2010 4:39 PM
To: 'Doug Hess'
Cc: Ali Cochran; Teresa James
Subject: RE: Contact info for Colorado DHS contacts

Doug,

Just a quick note. I had a meeting scheduled for today to talk to our team about why the numbers in SCORE don't match well against the Survey Monkey numbers. Unfortunately our SCORE manager was called out of state to attend a personal matter. I've rescheduled the meeting for next week and will follow up with you when I have information.

-Christi

From: Doug Hess [<mailto:douglasrhess@gmail.com>]
Sent: Friday, May 21, 2010 2:18 PM
To: Christi Heppard
Cc: Ali Cochran; Teresa James
Subject: Re: Contact info for Colorado DHS contacts

Thanks, Christi.

Doug Hess
202-277-6400 (cell)

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From: Doug Hess [mailto:douglasrhess@gmail.com]
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From: "Christi Heppard" <christi.heppard@sos.state.co.us>

To:

Date: Mon, 22 Jun 2009 12:34:37 -0600

Subject: Pauline Burton

Research Intern

From: Teresa James <tjames@projectvote.org>
Sent: Thursday, May 20, 2010 12:02 PM
To: Christi Heppard
Cc: Ali Cochran; Doug Hess
Subject: Re: Contact info for Colorado DHS contacts

Thanks, Christi.

On May 20, 2010, at 11:50 AM, Christi Heppard wrote:

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Colorado Department of State
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1700 Broadway, Suite 270
Denver, Co. 80290
303-894-2200 xtn 6340 (phone)
303-869-4861 (fax)
christi.heppard@sos.state.co.us

From: "Christi Heppard" <christi.heppard@sos.state.co.us>
Date: December 14, 2007 12:54:38 PM EST
Subject: Liz McDonough

From: "Christi Heppard" <christi.heppard@sos.state.co.us>
Date: June 22, 2009 2:34:37 PM EDT
Subject: Pauline Burton

Teresa James
Election Counsel
Project Vote
202-553-4344
tjames@projectvote.org

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Research Intern

From: Doug Hess <douglasrhess@gmail.com>
Sent: Thursday, May 20, 2010 12:04 PM
To: Christi Heppard
Cc: Ali Cochran; Teresa James
Subject: Re: Contact info for Colorado DHS contacts
Attachments: Summary-SCORE compared to Survey Monkey.xlsx

Thanks. Attached is the monthly comparison of SCORE to Survey Monkey. Might be good to check this if you can Christi so it's not just me, but this shows tha SCORE generally reports (both before and after the mailing went out) much more than Survey Monkey.

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To:

Date: Mon, 22 Jun 2009 12:34:37 -0600

Subject: Pauline Burton

Research Intern

From: Teresa James <tjames@projectvote.org>
Sent: Tuesday, December 21, 2010 6:25 PM
To: Christi Heppard
Cc: Nicole Kovite Zeitler; Ali Cochran
Subject: N.M. case and a goodbye
Attachments: N.M. Section 7 Decision.pdf; ATT302183.txt

Christi,

I've put off telling you till the last minute that I will be leaving Project Vote at the end of this month. I will miss working with you and with the SOS office in Colorado especially, you're the most responsive and efficient Secretary's office, as well as one of nicest. I especially want to thank you personally for going the extra mile and being so great to work with the past year or so that I've been on the Colorado project. Nicole Kovite Zeitler and Ali Cochran will continue as Project Vote contacts.

I also wanted to let you know that Nicole just announced that the N.M. District Court ruled in our favor on the issue of when a voter registration application must be given to DHS clients. The application must be given to all those who check "yes" on the declination form and to those who leave the form blank, not just to those who check "yes." It's good news to all of us to have the guidance of a court ruling on this issue. I've attached the opinion for your reference.

Again, thank you and have a great holiday!

Best,
Teresa

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**CELIA VLADEZ, GRACIELA
GRAJEDA, SHAWNA ALLERS, and
JESSE RODRIGUEZ,**

Plaintiffs,

v.

Civ. No. 09-668 JCH/DJS

**MARY HERRERA, in her official capacity
as New Mexico Secretary of State;
KATHRYN FALLS, in her official capacity
as Secretary of New Mexico Human
Services Department; FRED SANDOVAL,
in his official capacity as the Director of the
Income Support Division of the New
Mexico Human Services Department;
CAROLYN INGRAM, in her capacity as
the Director of the Medical Assistance
Division of the New Mexico Human
Services Department; DOROTHY
RODRIGUEZ, in her capacity as the
Secretary of the New Mexico Taxation and
Revenue Department; and MICHAEL
SANDOVAL, in his capacity as the
Director of the Motor Vehicle Division of
the New Mexico Taxation and Revenue
Department,**

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Defendants Kathryn Falls, Fred Sandoval, and Carolyn Ingram of the New Mexico Human Services Department's (hereinafter "HSD") *Motion for Summary Judgment*, filed May 13, 2010 [Doc. 57],¹ HSD's *Motion to Strike Plaintiff's*

¹ At the time the HSD Defendants filed their *Motion for Summary Judgment*, the caption and memorandum referred to Pamela S. Hyde as Secretary of HSD. That position is now held by Kathryn Falls, and the caption has been updated to reflect that change.

Response in Opposition to HSD's Motion for Summary Judgment, filed July 26, 2010 [Doc. 91], Defendant Mary Herrera's *Motion for Summary Judgment*, filed September 7, 2010 [Doc. 111], Plaintiff Shawna Allers' *Motion for Partial Summary Judgment*, filed September 2, 2010 [Doc. 109], and HSD's *Motion to Extend Time to Respond to Plaintiff's Motion for Partial Summary Judgment*, filed September 27, 2010 [Doc. 119].

The Court having considered the motions, briefs,² exhibits, and relevant law, and being otherwise fully informed, finds that HSD's *Motion for Summary Judgment* [Doc. 57] should be DENIED, that Defendant Mary Herrera's *Motion for Summary Judgment* [Doc. 111] should be DENIED, and that Plaintiff's *Motion for Partial Summary Judgment* [Doc. 109] should be GRANTED. In addition, the Court finds that HSD's *Motion to Strike* [Doc. 91] should be DENIED and that its *Motion to Extend Time* [Doc. 119] should be GRANTED.

BACKGROUND

This litigation concerns alleged past and continuing violations of a portion of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg-5 (commonly known as

² HSD filed a *Motion to Strike Plaintiff's Response in Opposition to HSD's Motion for Summary Judgment* [Doc. 91] on July 26, 2010. HSD's contention is that Plaintiff's entire response to its motion for summary judgment should be struck because Plaintiff filed, as an attachment to her response, a "Controverting and Separate Statement of Facts," rather than incorporating this into her memorandum, thus exceeding the page limitation. Plaintiff contends that it made its filing in this manner after reviewing the relevant local rules, consulting with local counsel, and consulting with the Court Clerk's Office. HSD also filed a *Motion to Extend Time to Respond to Plaintiff's Motion for Partial Summary Judgment* [Doc. 119] on September 27, 2010. HSD filed this motion because it had been operating under the mistaken belief that it had twenty-one days to respond to Plaintiff's motion, when Local Rule 7.4 only provides fourteen days. Because both Plaintiff's filing and HSD's filing appear to have been based on good-faith interpretations of the rules, and because neither party nor the Court appears to have been greatly inconvenienced, the Court will accept and consider both filings. Thus, HSD's *Motion to Strike* [Doc. 91] is denied, and its *Motion to Extend Time* [Doc. 119] is granted.

“Section 7”). Section 7 mandates that all state offices which provide public assistance must distribute mail voter registration application forms, assist applicants in completing those forms if requested, accept completed voter registration forms, and transmit those forms to the appropriate state election official.³ Plaintiff alleges that, for years, New Mexico has failed to provide voter registration services at public assistance offices as required by the NVRA. She contends that, despite recent changes by HSD, HSD remains out of compliance with the NVRA and that its history of non-compliance requires injunctive relief and Court supervision to ensure meaningful relief in the future. HSD contends that it is currently in compliance with its obligations under the NVRA, and that summary judgment in its favor is therefore appropriate. Secretary Herrera contends that her office has different obligations under the NVRA than HSD has, that her office has met those obligations, and that her office cannot be held responsible for any noncompliance by HSD.

LEGAL STANDARD

Summary judgment is appropriate “[i]f the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). “[S]ummary judgment will not lie if the dispute is about a material fact that is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict

³ This litigation initially concerned allegations that the state had violated the requirements of Section 5 of the NVRA as well. Section 5 governs the obligation to offer voter registration services when a person applies for or renews a driver’s license or identification card, as overseen by New Mexico’s Taxation and Revenue Department (“TRD”). This portion of the litigation has been settled pursuant to a July 1, 2010 settlement agreement. *See* Doc. 84. Thus, the only Plaintiff remaining in the current portion of the litigation is Shawna Allers, and the only remaining Defendants are the HSD Defendants and Secretary Herrera.

for the non-moving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (concluding that summary judgment is appropriate when the evidence could not lead the trier of fact to find for the nonmoving party).

In evaluating a motion for summary judgment, the court must view the evidence in the light most favorable to the nonmoving party. *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 1572 (1970). The movant has the burden of establishing that there are no genuine issues of material fact, which may be accomplished by demonstrating that the nonmoving party lacks evidence to support an essential element of its case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). In responding to a motion for summary judgment, the nonmoving party “may not rest upon its mere allegations ... but ... must set forth specific facts showing that there is a genuine issue for trial.” Fed. R. Civ. P. 56(e); *see Celotex*, 477 U.S. at 324.

ANALYSIS

A. Plaintiff’s Motion for Partial Summary Judgment

Although Plaintiff’s Amended Complaint [Doc. 106] raises issues related to alleged past noncompliance with the NVRA, her motion for partial summary judgment concerns only the issue of an alleged instance of current noncompliance. This issue is well suited for summary judgment, because it concerns solely a question of law, and the parties do not dispute the material facts. *See* HSD’s Response in Opposition to Plaintiff’s Motion for Partial Summary Judgment (hereinafter “HSD Resp.”) [Doc. 120] at 3.

1. The Parties’ Positions

Section 7 of the NVRA requires public assistance offices in New Mexico to “distribute [a mail voter registration application] with each application for ... service or assistance, and with each recertification, renewal, or change of address ... unless the applicant, *in writing*, declines to register to vote.” 42 U.S.C. § 1973gg-5(a)(6) (emphasis added). HSD does not dispute that New Mexico is subject to the requirements of the NVRA, that HSD is a New Mexico state government agency responsible for providing assistance to qualifying residents of New Mexico,⁴ or that New Mexico has designated HSD as a voter registration agency pursuant to the NVRA. See Statement of Undisputed Material Facts 1-3, contained in Plaintiff’s Motion for Partial Summary Judgment (hereinafter “Pl. Mot.”) [Doc. 109] at 4-5. Thus, it is uncontested that the NVRA’s Section 7 requirements apply to each transaction conducted in an office overseen by HSD.

HSD’s current policy is that voter registration applications are not attached to applications for public assistance, recertification or renewal applications, or change of address forms, and that voter registration applications are not otherwise automatically distributed to public assistance clients. See *id.* at 5, ¶ 5. Instead, HSD includes, as part of most of its benefit application forms, a section that it refers to as a “declination provision.” See Memorandum in Support of Defendant HSD’s Motion for Summary Judgment (hereinafter “HSD Memo.”) [Doc.

⁴ The Income Support Division (“ISD”) of HSD is the State agency that administers public assistance throughout the State of New Mexico. Such assistance includes the Supplemental Nutrition Assistance Program (“SNAP”) (commonly know as the “Food Stamp” program), Temporary Assistance to Needy Families (“TANF” or “cash assistance”), and medical assistance through numerous categories of Medicaid, among others. While SNAP, TANF, and Medicaid are the larger and main categories of assistance programs, HSD administers approximately 76 different public assistance programs. See HSD Resp. at 3-4.

58] at 4. This provision, which is included as one section in the middle of a multi-page benefits application asks, *inter alia*, whether a client wishes to “register to vote here today.”

The current language of the declination provision on HSD’s benefit application forms is as follows:

If YOU are NOT registered to vote where you live now, would you like to register to vote here today? (Please check one) ☐ YES ☐ NO

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

The NATIONAL VOTER REGISTRATION ACT provides you with the opportunity to register to vote at this location. If you would like help in filling out a voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

IMPORTANT: Applying to register or declining to register to vote WILL NOT AFFECT the amount of assistance that you will be provided by this agency.

Signature

Date

CONFIDENTIALITY: Whether you decide to register to vote or not, your decision will remain confidential. **IF YOU BELIEVE THAT SOMEONE HAS INTERFERED with your right to register or to decline to register to vote, or your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Secretary of State, 419 State Capital, Santa Fe, NM, 87503, (phone: 1-800-477-3632.)**

HSD Memo. [Doc. 58] at 5 (emphasis in original). For an indication of what the declination provision looks like in the context of a standard benefits application form, see Exs. 1-G, 1-H, and 1-L, attached to HSD Memo.⁵

⁵ Plaintiff contends that, for many years prior to HSD’s finalizing of its current policy in January 2010, HSD did not provide either voter registration forms or forms containing a declination provision to all eligible benefits applicants and clients. *See* Pl. Mot. at 6 n.4. Defendant disputes this. *See* HSD Memo. at 3 n.2. While such a question of fact may be material to Plaintiff’s broader claim for injunctive relief, based on her assertion that HSD’s years of noncompliance create a reasonable expectation that its wrongs will be repeated, it is not relevant to Plaintiff’s motion for partial summary judgment, which concerns only current policy.

Under HSD's policy, a client is provided with a voter registration application only if the client checks "yes" on the declination provision or verbally indicates that he or she would like to register to vote. Thus, HSD interprets Section 7 of the NVRA as requiring that voter registration applications be distributed only to those clients who affirmatively state that they desire to register to vote at the same time that they are applying for other benefits. Consequently, HSD does not provide registration applications to clients who leave the declination provision blank and who do not otherwise respond "yes" if a verbal inquiry regarding registration is made by an HSD employee. The Court will refer to this interpretation as an "opt in" provision, meaning that voter registration applications should only be provided to those who affirmatively request them.

Plaintiff contends that HSD's interpretation that clients must "opt in" to receive distribution of voter registration forms violates the plain language of Section 7, which requires that all public assistance clients who engage in any of the specified transactions receive a voter registration application unless they decline, "in writing." Under Plaintiff's interpretation, Section 7 requires that HSD distribute voter registration applications to clients who leave the declination provision blank, in addition to those who check "yes" or give their verbal assent. This interpretation is more in the nature of an "opt out" provision, meaning that registration applications should be given to everyone except those who affirmatively refuse them.

Plaintiff contends that the issue raised by her motion is one of first impression, and the Court has been unable to locate any decision definitively addressing whether the requirement that agencies distribute voter registration applications should be viewed as "opt in" or "opt out." After careful consideration, the Court concludes that the plain language of Section 7, as well as the NVRA's remedial purpose and legislative history, requires that public assistance agencies

provide benefits applicants with a voter registration application unless they explicitly refuse, and Plaintiff should prevail on her motion for partial summary judgment.

2. The Statutory Language

Section 7 provides that:

At each voter registration agency, the following services shall be made available:

- (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
- (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
- (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

42 U.S.C. § 1973gg-5(a)(4)(A).⁶

Paragraph (a)(6) of Section 7 sets forth the manner in which public assistance agencies must distribute voter registration applications, and it is the key provision at issue in Plaintiff's motion. Subparagraph (A) of paragraph (a)(6) lays out the NVRA's requirement for distribution of voter registration applications. It provides:

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall – (A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance – (i) the mail voter registration application form ... ; or (ii) the office's own form if it is equivalent to th[at] form ..., unless the applicant, in writing, declines to register to vote.

42 U.S.C. § 1973gg-5(a)(6)(A) (hereinafter "subparagraph (A)").⁷

Separate from subparagraph (A)'s requirement that public assistance agencies distribute mail voter registration applications, subparagraph (B) requires the agencies to provide all clients

⁶ Only the requirement in (i), concerning distribution of mail voter registration applications, is at issue in this case. Plaintiff has not alleged any specific facts relating to deficiencies in assistance in completing forms or in transmittal of forms, as referred to in (ii) and (iii).

⁷ Plaintiff does not challenge the contents of the mail voter registration application form provided by HSD offices pursuant to (ii).

with a form. The form must ask the question “[i]f you are not registered to vote where you live now, would you like to apply to register to vote here today?” 42 U.S.C. § 1973gg-5(a)(6)(B) (hereinafter “subparagraph (B)”). The form must also notify the client that the decision of whether or not to register to vote “will not affect the amount of assistance that you will be provided by this agency,” must include a statement offering assistance in filling out the registration application if the client so desires, and must also include a statement regarding the client’s ability to file a complaint if he or she believes that his or her right to register or to decline to register or to choose a political affiliation was interfered with. Subparagraph (B) at (ii), (iv), and (v).

In addition, the form must include checkboxes for the client to indicate whether he or she would like to register to vote at the public assistance agency. *Id.* at (iii). Subparagraph (B)(iii) further specifies that the form should include a statement, in close proximity to the checkboxes, that “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.” *Id.* (emphasis in original). With regard to what public assistance agencies should do when a client leaves both checkboxes blank, subparagraph (B)(iii) instructs that “failure to check either box . . . constitute[s] a declination to register for purposes of subparagraph (C).” *Id.* (emphasis added).⁸

Subparagraph (C) specifies that public assistance agencies are to provide clients who do not decline to register to vote the same degree of assistance in completing a voter registration application as they provide with completing the agency’s own benefits forms, subject to clients

⁸ The “form” referred to in section (a)(6)(B) is not distributed by HSD as a stand-alone form, but rather is inserted as one section in the middle of HSD’s standard forms. *See, e.g.*, Ex. 1-G, attached to Pl. Memo, at p. 4 of 6; Ex. 1-H at sec. 13. Plaintiff does not contend that the form’s requirements are not met or that its placement as part of HSD’s standard forms is improper.

refusing such assistance. 42 U.S.C. § 1973gg-5(a)(6)(C) (hereinafter “subparagraph (C)”). Thus, subparagraph (C) solely addresses the issue of how much assistance an agency must provide to a client who fills out a voter registration application at the agency office. It does not address the threshold question of whether a voter registration application must be distributed to the client in the first place, or what constitutes a declination to register to vote for purposes of subparagraph (A).

3. Analysis

Defendants’ interpretation of Section 7’s requirements is not supported by the statute’s plain language. Absent an indication that applying the plain language of a statute would “yield patent absurdity, [the Court’s] obligation is to apply the statute as Congress wrote it.” *Robbins v. Chronister*, 402 F.3d 1047, 1050 (10th Cir. 2005) (citation omitted). If Congress does not explain the specific meaning of a statutory term, the Court should assume that Congress intended the word to be given its ordinary meaning, “which we may discover through the use of dictionaries.” *Biodiversity Legal Found. v. Babbitt*, 146 F.3d 1249, 1254 (10th Cir. 1998).

Section 7 does not make the provision of a voter registration application contingent upon an affirmative request, either written or verbal, from a client. Instead, it directs agencies to distribute voter registration applications to their clients as a part of every qualifying interaction, unless those clients “in writing, decline[] to register to vote.” Subparagraph (A). While the NVRA does not define “in writing” for purposes of Section 7, the ordinary use of the term “writing” does not include a blank response. For instance, *Black’s Law Dictionary* defines “writing” as “any intentional recording of words that may be viewed or heard with or without mechanical aids.” *Black’s Law Dictionary* at 1748 (9th ed. 2009). A blank response on the

declination provision does not constitute an “intentional recording of words” and so cannot be a statement “in writing” for purposes of subparagraph (A). Defendants interpret the language in subparagraph (B)(iii), which instructs that the declination form should state “if you do not check either box, you will be considered to have decided not to register to vote at this time,” as applying to subparagraph (A), and as enabling them to treat a blank declination form as a statement, in writing, that the client does not wish to receive a voter registration form at all.

This interpretation is undermined both by subparagraph (B)’s plain language and by its relationship to subparagraphs (A) and (C). The language relied on by Defendants requires that HSD advise clients that, if they do not check either box on the declination form, HSD will assume that the client has decided not to register to vote “*at this time*.” The declination form does not provide a client with a provision for receiving a mail voter registration form that the client could take with them and use to register at a later time. At the same time that it authorizes HSD to treat a blank declination form as a decision by the client not to register to vote at the HSD office, subparagraph (B)(iii) provides context for that authorization by explaining that “failure to check either box [shall be] deemed to constitute a declination to register *for purposes of subparagraph (C)*.” *Id.* (emphasis added).

As previously explained, subparagraph (C) solely addresses the circumstances in which public assistance agencies are required to provide assistance to clients in filling out voter registration forms. Thus, subparagraph (B)(iii) is properly understood as addressing the effect of a blank declination form on agencies’ responsibilities to provide voter registration assistance. It pertains only to the circumstances under which assistance must be offered to persons who choose to register at the agency office, not to whether registration applications must be

distributed in the first place. Subparagraph (B)(iii) simply relieves HSD offices from the burden of providing assistance with voter registration to clients who have not affirmatively indicated that they wish to register in an agency office “at this time,” and protects agencies against potential grievances from clients who claim they were not adequately assisted by the agency but who had not affirmatively indicated that they desired assistance.

Moreover, if Congress had intended for a blank declination form, as referred to in subparagraph (B), to serve as a declination for purposes of subparagraph A’s application distribution requirement, the language in subparagraph (B)(iii) expressly referring to subparagraph (C) would be superfluous. If agencies were not still required to provide voter registration applications to clients who leave the declination form blank, then the agencies would not need to consider whether to provide such individuals with assistance in completing a registration application, because, by definition, no application would be provided. Courts should avoid adopting a statutory construction that would render any statutory provision superfluous. *See TRW, Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (“It is a cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant”) (internal quotation marks omitted). Defendants’ interpretation renders part of subparagraph (B)(iii) superfluous, and the Court declines to adopt it.

Congress could easily have written that failure to check either box on the declination form would be deemed to constitute a declination to register for purposes of subparagraph (A), but it did not do so. It also could easily have avoided making declination for purposes of subparagraph (A) dependant upon a “writing,” but it did not do that either. The interrelation of

subparagraphs (A), (B), and (C) make clear that receipt of a voter registration form is subject to a written “opt out” provision, and only the receipt of assistance in filling out the registration form is subject to an “opt in” provision.

Plaintiff’s interpretation of Section 7’s requirements is also supported by the NVRA’s remedial purpose and its legislative history. One of the stated purposes of the NVRA is “to establish procedures that will increase the number of eligible citizens who register to vote” and to enable governments to implement the statute’s requirements “in a manner that enhances the participation of eligible citizens as voters.” 42 U.S.C. § 1973gg(b). In enacting the NVRA, Congress found that federal, state, and local governments have a duty to promote the exercise of the right to vote and it sought to mitigate “discriminatory and unfair registration laws and procedures [that] can have a direct and damaging effect on voter participation in elections ... and [that] disproportionately harm voter participation by various groups, including racial minorities.” 42 U.S.C. § 1973gg(a). Defendants’ interpretation that Section 7 requires agencies to distribute voter registration forms only to those clients who affirmatively indicate that they want to register to vote at the time of service goes against the NVRA’s stated remedial purpose. Low income citizens, some of the very people that Congress intended to reach with Section 7’s mandates, may have reasons to decline to register to vote at a public assistance agency while still desiring to receive an application form that they can fill out later. Section 7 provides for this option.

Additionally, Section 7’s legislative history supports Plaintiff’s interpretation. The Conference Report provides the background of the declination form requirement, and demonstrates that the declination form was not meant to supersede or modify subparagraph (A)’s mandate. The House-Senate Conference Report finalizing the NVRA added the requirement that

public assistance clients be provided with the declination form specified in subparagraph (B).

See H. R. Rep. No. 103-66, at 17 (1993). The Conference Report explains that the declination form was added to guard against the possibility of coercion of agency clients:

The [declination form] is intended to deal with concerns raised about the inclusion of certain agencies in an agency-based registration program and the possibility of intimidation or coercion. Concern was expressed that in agencies that provide benefits, staff might suggest that registering to vote could have some bearing on the availability of services or benefits provided by that agency. In addition to the provisions in the House bill relating to coercion and intimidation, [subparagraph B] includes specific provisions that address that situation.

Id.

Thus, the declination form was not added to Section 7 to define or limit the responsibility of agencies to distribute voter registration applications to clients, but rather to ensure that agents do not improperly influence clients' decisions about whether or not to register at that time, and to ensure that agents do not improperly influence a client's choice of political party. By ensuring that all clients receive a voter registration form, but making it so that only clients who affirmatively request assistance in filling out the form receive such assistance, Congress provided for its dual goals of increased participation and freedom from coercion.

For the foregoing reasons, the Court finds that HSD's current policy of distributing voter registration applications only to clients who affirmatively request them violates Section 7 of the NVRA, and that Plaintiff's motion for partial summary judgment should be granted. Section 7 requires that clients be provided with a mail voter registration form unless they affirmatively decline, in writing. HSD's current declination form and policy do not meet this requirement.

B. Defendant HSD's Motion for Summary Judgment

Defendant HSD contends that it is in compliance with all of its responsibilities under the NVRA so that Plaintiff's case must fail as a matter of law. In light of the Court's ruling that HSD offices are misinterpreting Section 7's requirements regarding distribution of voter registration forms, HSD cannot prevail on its motion.

In addition, even if HSD were in compliance regarding distribution of voter registration forms and every other requirement under the NVRA, Plaintiff has raised sufficient questions of fact regarding allegations of past noncompliance that HSD could not receive summary judgment. Even though HSD has apparently taken some remedial steps in response to this lawsuit, given the allegations of widespread past noncompliance, the Court finds that sufficient questions remain regarding the need to monitor future compliance, precluding summary judgment.

Voluntary cessation of unlawful conduct will not moot a case unless "it is absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur." *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs., Inc.*, 528 U.S. 167, 189 (2000). A defendant contending that a plaintiff has no cause of action because of the defendant's new behavior "must meet a 'heavy burden' of demonstrating that there is no reasonable expectation that the alleged wrongs will be repeated. *Blinder, Robinson & Co. v. SEC*, 692 F.2d 102, 106-07 (10th Cir. 1982) (quoting *W.T. Grant Co.*, 345 U.S. 629, 633 (1953)). Thus, "[w]hen defendants are shown to have settled into a continuing practice ... courts will not assume that it has been abandoned without clear proof. It is the duty of the courts to beware of efforts to defeat injunctive relief by protestations of repentance and reform, especially when ... there is probability of resumption." *United States v. Or. State Med. Soc.*, 343 U.S. 326, 333 (1952) (citation omitted). Given Plaintiff's allegations of years of widespread failure to implement Section 7's requirements,

particularly with respect to monitoring or addressing apparent deficiencies, the Court cannot say as a matter of law that HSD has demonstrated that it has the tools in place to be compliant in the future without an injunction and Court monitoring. For the foregoing reasons, HSD's motion for summary judgment is denied.

C. Defendant Herrera's Motion for Summary Judgment

The NVRA requires that each state "designate a State officer or employee as the chief State election official." 42 U.S.C. § 1973gg-8. This designated official is "responsible for coordination of State responsibilities" under the NVRA. *Id.* New Mexico has designated the Secretary of State as its "chief State election official" for NVRA purposes. *See* Defendant Herrera's Motion for Summary Judgment (hereinafter "Deft. SOS Mot.") [Doc. 111] at 2; NMAC 1.10.8.15. Very little case law in general, and none in the Tenth Circuit, exists that interprets what duties a chief State election official must perform in order to be compliant with the NVRA. However, Defendant Herrera contends that there is no material question of fact regarding her compliance with the NVRA, so that summary judgment should be entered in her favor.⁹

Defendant Herrera's primary argument is that the NVRA does not place responsibility on the "chief State election official" to enforce provisions of the NVRA in the state, and that her role is simply to "coordinate" state responsibilities by disseminating and collecting information,

⁹ As an initial matter, Defendant Herrera's motion failed to follow Local Rule 56.1(b), which requires a party moving for summary judgment to include in its supporting memorandum a numbered "statement of all the material facts as to which movant contends no genuine issue exists." The numbered items on this list must "refer with particularity to those portions of the record upon which movant relies." *Id.* Defendant Herrera's motion failed to include any statement of facts, which makes it more difficult for the Court to evaluate which facts she alleges are uncontested. The Court is not denying Defendant Herrera's motion on these grounds, but it notes that future motions from Defendant's office should conform to the rules.

providing voter registration forms to agencies, and providing assistance to those agencies. *Id.* She contends that, because the NVRA does not charge her with enforcing its provisions, she does not bear responsibility for the failure of any other state agencies (including HSD) to meet their obligations under the law. *Id.* She further contends that no question of fact exists regarding whether she has fulfilled her coordination obligations under the NVRA. *Id.* at 8. However, because, as discussed below, Defendant Herrera has not demonstrated as a factual matter that she has complied with her obligations under the NVRA, her motion will be denied.

Defendant Herrera contends that the dispositive issue raised by her motion is solely a legal one, namely “does the NVRA require the Secretary to enforce compliance with the NVRA by other State agencies that bear clear burdens under the statute?” Defendant Herrera’s Reply in Support of Her Motion for Summary Judgment (hereinafter “Deft. SOS Rep.”) [Doc. 121] at 2. However, this is not the only issue on which Defendant Herrera must prevail in order for the Court to grant her motion. Defendant Herrera must also demonstrate that no question of material fact exists as to whether the actions her office has taken are sufficient to meet her obligations under the NVRA. Defendant Herrera acknowledges that this can be viewed as a mixed question of fact and law. *Id.* Even if Defendant Herrera were not responsible, as the state’s chief election official, for ensuring that the NVRA’s provisions were being met, she has not demonstrated as a matter of law that the actions she has taken are sufficient to meet the NVRA’s requirements.

1. Defendant Herrera’s Responsibility for State Compliance with the NVRA

The first argument that must be resolved in Defendant Herrera’s favor to enable her to prevail on her motion for summary judgment is whether she can be held responsible for the state’s failure to comply with the NVRA. Defendant Herrera contends that the statute makes her

responsible only for “coordination” of state responsibilities, and that responsibility for any failure to follow the NVRA’s dictates must lie with HSD, because HSD is the agency designated by the state to provide voter registration services to those receiving public assistance. *See* Deft. SOS Mot. [Doc. 111] at 3-4.

The principal case construing the obligations that the NVRA places on a state’s chief election official is *Harkless v. Brunner*, 545 F.3d 445 (6th Cir. 2008). The *Harkless* court addressed directly the question at issue in this case: “whether...the chief election official[] has a role in ensuring [the state’s] compliance with the NVRA.” *Harkless*, 545 F.3d at 449. The *Harkless* court held that each state’s NVRA chief election official is responsible for state compliance, and that Ohio’s Secretary of State was therefore liable for Ohio’s compliance with Section 7.

Harkless concerned an allegation that the State of Ohio failed to comply with Section 7 of the NVRA. The complaint named both Ohio’s Secretary of State (“SOS”) and its state Director of the Department of Job and Family Services (“DJFS”). It alleged that county DJFS offices were failing to distribute voter registration forms, and that neither the SOS nor the Director of DJFS monitored compliance with Section 7 or enforced its mandates. Similar to the instant case, the state DJFS and its local offices were designated as voter registration agencies under Section 7. The *Harkless* court rejected the SOS’s argument that she had no role in ensuring Ohio’s compliance with Section 7 because compliance was DJFS’s responsibility.

In doing so, the *Harkless* court pointed to the NVRA’s legislative history, where Congress explained that each state’s chief election official is “responsible for implementing the state’s function under the [NVRA]. 545 F.3d at 451 (quoting S. Rep. 103-6 at 39 (1993)). The

court also cited the construction of the statute by the Federal Election Assistance Commission, which similarly concluded that each state's chief election official is responsible for ensuring compliance with the NVRA's requirements. *Id.* The court specifically found that the "coordination" duties referenced in the statute include ensuring that the NVRA's requirements are met. *Id.* at 452 ("[T]he better interpretation of the statute [is] that each state shall designate voter registration agencies, and that each state shall ensure that the agencies complete the required tasks. And the [SOS], as Ohio's chief election officer, is responsible for 'harmonious combination'—or implementation and enforcement—of that program on behalf of Ohio.")

Defendant Herrera characterizes the *Harkless* court's finding regarding the Secretary of State's enforcement responsibilities as "dicta." Deft. SOS Mot. at 5. She argues that *Harkless* is distinguishable from this case because that case dealt with the issue of whether the state could delegate its responsibilities to local officials, and that the *Harkless* court's finding was only that some official at the state level had to be responsible for compliance. This fundamentally misreads *Harkless*. Although the *Harkless* court spoke at points about how certain provisions of the NVRA would be pointless if states could abdicate their responsibilities by delegating them to local officials, if the court's only concern had been that some state actor was responsible for ensuring NVRA compliance, it could have limited responsibility to the state's DJFS Director, who was also a named defendant. Instead, the court explicitly answered the question of whether the SOS was responsible for ensuring compliance, and held that both the SOS and the DJFS Director were liable. Its holding was not dicta.

In explaining the reasoning for its decision, the *Harkless* court also cited the requirement that a person alleging a violation of the NVRA must, in most circumstances, first "provide