



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: February 3, 2020
To: Board of County Commissioners
From: Clerk & Recorder Lopez
Subject: Clerk & Recorder Update

Request & Recommendation

The Clerk & Recorder's Office will provide an elections update regarding UOCAVA ballot delivery as well as answer questions the Board of County Commissioners may have regarding this process.

Background

On January 29, 2020, the Arapahoe County Clerk and Recorder's office discovered an error in our UOCAVA ballot delivery, specifically that—as a result of a data entry error in our office—UOCAVA voters who requested delivery of ballots by mail for the March 3 Presidential Primary were not sent those mail ballots by the 45 day deadline (January 18, 2020). This error affected approximately 985 military and overseas voters. We take full responsibility for this mistake and have already taken steps to ascertain how the problem occurred and implemented remedial measures, as outlined below.

Military and overseas voters may request to receive a ballot either via mail or email. Because of a file naming mistake by one of our staff, our print/mail vendor was given the email voter list of approximately 1998 UOCAVA voters instead of the list of UOCAVA voters that requested mail ballots (985 voters). Therefore, the vendor mailed ballots to the email voters by the 45 day deadline (in addition to the email ballots that we sent to the same list of voters). However, the “mail” UOCAVA voters were not mailed any ballots or sent any emails. We discovered the error in our County on January 29 after several UOCAVA email voters contacted our staff asking why they received both a mail and email ballot.

When we discovered the mistake we immediately sent the proper file to our vendor to be produced and ready to mail ballots on January 29. Our office notified the Colorado Secretary of State's office, and we received guidance from that office about how to proceed. Also on January 29, we spoke to relevant staff members to determine what happened and submitted a report of the incident to the Secretary of State's office.

We will be contacting the affected voters by phone, fax and email, and we are using expedited delivery where available to ensure that all affected voters will receive their ballots in time to vote

in the March 3 Presidential Primary Election. Eighty-seven (87) of the ballots were sent by USPS on Wednesday, January 29, and a handful of additional USPS mailings were sent on Thursday, January 30. The majority of these are APO addresses that are unable to receive private courier delivery. USPS has however been notified of the delay and assured our print vendor that delivery of these ballots will be handled on an expedited emergency basis. All remaining ballots are were sent on Thursday and Friday, January 30-31, by expedited UPS via next-day delivery or fastest delivery to each affected voter's country. It is our understanding that the expedited mailings will result in some of the affected UOCAVA voters receiving their mail ballot before they normally would have otherwise had the ballots been mailed in the normal course.

To ensure this does not happen again, we are adding back-up personnel as an additional check on file contents and transfers, and we're also adjusting our internal notification and communication protocols. As a result of this incident, we will file a 45-day compliance plan and status checks ahead of the June primary election with the Secretary of State and additional UOCAVA compliance plans for the November 3 Presidential Election. We also will take any additional steps as dictated by the Secretary of State and the U.S. Department of Justice.

Reviewed By

John Christofferson, Deputy County Attorney