



Oct 18 2012  
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DISTRICT COURT, CITY & COUNTY OF DENVER, COLORADO  1437 Bannock Street, Room 256 Denver, Colorado 80202	
<b>Plaintiff:</b> SCOTT GESSLER, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE FOR THE STATE OF COLORADO, v. <b>Defendants:</b> DEBRA JOHNSON, IN HER OFFICIAL CAPACITY AS THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER, COLORADO COMMON CAUSE, AND GILBERT ORTIZ, IN HIS OFFICIAL CAPACITY AS PUEBLO COUNTY CLERK AND RECORDER.	<b>▲ COURT USE ONLY ▲</b>
Attorneys for Defendant Debra Johnson, In Her Official Capacity As The Clerk And Recorder For The City And County Of Denver, Colorado  DOUGLAS J. FRIEDNASH, Atty. No. 18128 Denver City Attorney  VICTORIA ORTEGA, Atty. No. 19919 STEVEN HAHN, Atty. Reg. No. 18358 Assistant City Attorneys Denver City Attorney's Office Municipal Operations Section 201 W. Colfax Avenue, Dept. 1207 Denver, Colorado 80202 Telephone: (720) 913-3275 Facsimile: (720) 913-3180 E-mail: victoria.ortega@denvergov.org E-mail: Steven.Hahn@denvergov.org	Case Number: 2011CV6588  Division/Courtroom: 203
<b>DEFENDANT DEBRA JOHNSON'S EXPERT DISCLOSURE</b>	

Defendant, Debra Johnson, in her official capacity as the Clerk and Recorder for the City and County of Denver ("Denver"), through counsel, hereby discloses persons who may present evidence at trial pursuant to Colorado Rules of Evidence 702, 703, or 705.

The following person[s] may be called to provide expert testimony but have neither (1) been retained to provide expert testimony, nor (2) are employees of the disclosing party who duties regularly involve expert testimony. See C.R.C.P. 26(a)(2)(B)(II).

**I. AMBER F. MCREYNOLDS, Elections Division, 200 W. 14<sup>th</sup> Avenue,  
Denver, CO 80204, 720-865-4850**

**A. Qualifications:**

1. Ms. McReynolds is an expert in elections, including in administration and policy. Her CV is attached.
- a. Ms. McReynolds has a Master of Science in Comparative Politics from the London School of Economics & Political Science (November 2002) and a Bachelor of Arts in Political Science and Speech Communication from the University of Illinois (May 2001).
- b. From 2005, when Ms. McReynolds was first employed by the City and County of Denver in the Elections office, until February 2008, she was promoted several times. She held the positions of Logistics Coordinator, Administrative Operations Supervisor, and Mail Ballot coordinator. During that time she:
  - Managed 5 full-time team members and over 150 temporary employees during elections
  - Redesigned ballot and ballot packet contents
  - Prepared ballot order for an election including mail, test, and provisional ballots
  - Coordinated all election related mailings with USPS and printing vendors
  - Acted as liaison to the Secretary of State's office for Forms Committee and SCORE II Project
  - Coordinated internal forms and ensured legal compliance for all relevant forms
  - Continuously reviewed election related legislation at the federal, state, and local levels
  - Implemented changes to increase effectiveness and identify efficiencies
  - Developed and maintained detailed procedures for processing mail ballots
  - Managed 4 full-time team members and at least 40 temporary employees during elections
  - Reviewed the main voter database for accuracy and provided training to employees
  - Provided monthly and daily reports on all ballot processing activities
  - Administered the post-election internal audit, provisional ballot audit, and ballot inventory
- c. From February 2008, until May 2011, Ms. McReynolds was the Deputy Director of the Elections Division. As Deputy, she:
  - Managed 4 department managers, 1 administrative assistant, and responsible for reviewing and approving 16 performance evaluations
  - Coordinated the conversion of a county voter registration system to a statewide voter registration database
  - Implemented detailed project plans for each election cycle and was responsible for managing all tasks
  - Managed the budget plan, secured funding and strategic resources, and provided fiscal oversight
  - Initiated, reviewed and approved all contracts
  - Documented all procedures, processes and policies

- Reviewed and approved all staffing and resource plans for each election
  - Participated in the formation of various innovative solutions: Ballot TRACE (Ballot Tracking, Reporting, and Communications Engine), CoMMA (Content Modification Management), provisional ballot form, provisional ballot checklist, various internal processes, databases, poll book design, and comprehensive forms for use during an election
  - Provided regular communication to subordinate staff and responded to staff inquiries by providing guidance and interpretation of various policy issues
- d. Since May 2, 2011, Ms. McReynolds has been the Director of the Elections Division of the Clerk and Recorder's Office, City and County of Denver. In that role, she:
- Represents organizational positions, initiatives, perspectives and interests
  - Serves as a strategic advisor to the Clerk and Recorder by providing short-term and long-term recommendations on strategic planning and decision making
  - Maintains a project plan with goals, objectives, timelines, and resources for each election cycle
  - Manages budget plan, secure funding and strategic resources, and provide fiscal oversight
  - Directs the work of 21 full-time staff members, hundreds of temporary workers, and thousands of election workers
  - Establishes objectives, strategies, and plans to achieve operational goals and efficiencies
  - Documents and approves processes, procedures, systems, policies, and standards for election departments and team members
  - Directs the implementation of performance standards and guidelines to ensure accountability and provide guidance to department managers with regards to performance evaluations
  - Drafts legislative priorities; assist with drafting election related legislation; and provide testimony, data, and analysis regarding local, state, and federal election policy
  - Participates in various election policy review and best practices committees at the state and national levels
- e. As the Director and Deputy Director of the Denver Elections Division, Ms. McReynolds has been responsible for assisting the Clerk in the conduct and administration of Elections for the City and County of Denver. More particularly, her duties include managing and overseeing the day-to-day operations of the Elections Division, planning, coordinating, and managing the registration of voters, and of the holding of elections, canvassing the returns thereof and issuing certificates of election, and of all other matters pertaining to elections in the City and County of Denver.
- f. In other positions Ms. McReynolds gained additional relevant experience including as:
- (1) Regional Project Manager – New Voters Project, Des Moines, IA, 1/04-12/04
- Implemented national campaign strategy at local level
  - Managed and hired team members at various colleges and universities in Iowa
  - Built relationships with local election officials, media, and local coalition

- Created visual materials based on campaign themes
  - Implemented Voter Registration Programs within communities
- (2) Council Director – 14<sup>th</sup> Jud. Cir., State of Illinois, Rock Island County, IL 12/02-1/04
- Mobilized resources to efficiently address council’s needs
  - Managed council budget and related grant funding for special projects
  - Assisted local council to solve complex issues relating to judicial system and state law
  - Developed media releases, project reports, and policy reports
- (3) Program Director – Safe Passage, 14<sup>th</sup> Judicial Circuit, State of Illinois, Rock Island County, IL 2/03-1/04
- Recruited, trained, and managed volunteers to staff the center
  - Secured funding for continued operation of the program
- (4) Parliamentary Research Associate – Rt. Hon. Harriet Harman QC MP, United Kingdom, 8/01-10/02
- Facilitated focus groups and conduct research on various policy issues
  - Edited project reports, press releases, speeches, annual report, and periodic newsletters
  - Organized official events, visits, meetings and speaking engagements
  - Established and maintained public contact with community and national organizations
  - Developed media strategies and long-term policy goals
- g. Ms. McReynolds has also qualified as a:
- (1) Certified Election/Registration Administrator (The Election Center)
  - (2) Colorado Certified Election Official (Colorado Secretary of State).
- h. Ms. McReynolds is a member of the following organizations and has served on committees establishing best practices for election officials:
- The Election Center
  - Alumni and Friends of the London School of Economics USA
  - University of Illinois Alumni Association
  - Project Management International.

B. Substance of all opinions to be expressed and the basis and reasons therefore.

See attached affidavit.

Respectfully submitted this 18th day of October, 2012.

By: /s/ Victoria Ortega  
VICTORIA ORTEGA, Atty. Reg. No. 19919

CERTIFICATE OF SERVICE

I certify that on October 18, 2012, a true and correct copy of the foregoing was served via LexisNexis Serve on:

Colorado Attorney General's Office  
Maurice G. Knaizer, Deputy Attorney General  
Leann Morrell, Assistant Attorney General  
Public Officials Unit, State Services Section  
1525 Sherman Street, 7<sup>th</sup> Floor  
Denver, CO 80203

Pueblo County Attorney's Office  
Daniel C. Kogovsek, County Attorney  
Cynthia L. Mitchell, Assistant County Attorney  
Peter S. Blood, Assistant County Attorney  
215 West 10<sup>th</sup> Street  
Pueblo, CO 81003

Colorado Common Cause, "CCC"  
J. Lee Gray  
HOLLAND & HART LLP  
6380 S. Fiddlers Green Circle, Suite 500  
Greenwood Village, CO 80111

By: /s/ Martin Gonzales  
Denver City Attorney's Office

*In accordance with C.R.C.P. 121§1-29(9), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.*



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# EXHIBIT 1

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO City and County Building 1437 Bannock Street, Room 256 Denver, Colorado 80202	<div style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></div> <hr/> Case Number: 2011CV6588 Division: 203 Courtroom:
<b>Plaintiff:</b> SCOTT GESSLER, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE FOR THE STATE OF COLORADO, v. <b>Defendant:</b> DEBRA JOHNSON, IN HER OFFICIAL CAPACITY AS THE CLERK AND RECORDER FOR THE CITY AND COUNTY OF DENVER	
Attorneys for the Defendant Johnson DOUGLAS J. FRIEDNASH, Atty. No. 18128 Denver City Attorney VICTORIA J. ORTEGA, Atty. No. 19919 STEVEN J. HAHN, Atty. Reg. No. 18358 Assistant City Attorneys Denver City Attorney's Office, Municipal Operations Section, 201 W. Colfax Avenue, Dept. 1207 Denver, Colorado 80202 Telephone: (720) 913-3275; Fax (720) 913-3180 E-mail: victoria.ortega@denvergov.org E-mail: Steven.Hahn@denvergov.org	
<b>AFFIDAVIT OF AMBER McREYNOLDS</b>	

I, Amber McReynolds duly sworn upon oath, state as follows:

1. I am the Director of Elections for the City and County of Denver. My education, qualifications and experience are described in the attached resume, marked as Exhibit A. I am over the age of eighteen years.
2. There were three elections scheduled to occur in the City and County of Denver in 2011. These elections were the May 3, 2011, regularly scheduled, home-rule municipal general election, the June 7, 2011, municipal run-off election, and the November 1, 2011, Coordinated Election.
3. In 2010, the then Clerk and Recorder for the City and County of Denver, Stephanie Y. O'Malley, approved the 2011 election budget which included the conducting the 2011 Coordinated Election as a mail ballot election and the Denver City Council passed a budget approving the funds.
4. Shortly thereafter, the Denver Elections Division began to implement election activities for the 2011 elections. These activities included: processing voter registration applications, responding to voter registration challenges, making plans for

a recall election, identifying and confirming voter service centers and ballot drop-off locations, processing, approving and determining sufficiency of candidate petitions for the respective elections, certifying ballot content, programming voting machines, training election judges, confirming the content and costs of mail ballot packets to be sent to voters, procedures for ballot security, procedures for voter signature verification, and identifying and confirming postage costs for the return of ballots by voters.

5. The Clerk and Recorder, through the Denver Elections Division, conducted Denver's regularly scheduled, home-rule municipal general and run-off elections as scheduled. Denver used the Secretary's election management system contained in the Secretary's Statewide Voter Registration Software System (the "SCORE" system) to set-up and implement these elections. The SCORE election management module is connected to the SCORE voter registration database which essentially makes the election management module the only data system available to conduct mail ballot elections.
6. In addition, Denver timely submitted its written mail ballot plan for the May 3 and June 7, 2011, elections to the Secretary of State's Office who reviewed and approved it. Denver mailed ballots to both active and inactive failed to vote electors for these elections.
7. On May 3, 2011, Debra Johnson was elected as Denver's Clerk and Recorder.
8. The 2011 Coordinated Election was conducted on November 1, 2011 (the "Election").
9. In Denver, the ballot content for the 2011 Coordinated Election consisted of Proposition 103 (a statewide tax increase question); the Regular Biennial School Election (concerning three (3) School Board candidate races for School District No. 1 in the City and County of Denver and State of Colorado); and the citywide 2011 Special Municipal Election with Initiated Ordinance 300 (a citizen initiated ordinance) and Referred Question 3A (a municipal charter amendment question).
10. A "coordinated election" is defined as an election where more than one political subdivision with overlapping boundaries or the same electors hold an election on the same day and the eligible electors are all registered electors, and the county clerk and recorder is the coordinated election official for the political subdivisions. Section 1-1-104(6.5), C.R.S. (2011).
11. An "eligible elector" is defined as a person who meets the specific requirements for voting at a specific election or for a specific candidate, ballot question, or ballot issue. If no specific provisions are given, an eligible elector shall be a registered elector, as defined in subsection (35) of this section. Section 1-1-104(16), C.R.S. (2011).
12. Denver's 2011 Coordinated Election was conducted as a "mail ballot" election.



13. A "mail ballot election" means an election for which eligible electors may cast ballots by mail and that is a primary election or an election that involves only nonpartisan candidates or ballot questions or ballot issues. Section 1-7.5-103(4), C.R.S. (2011).
14. This compares to an election that includes election day voting at a polling place, voting by mail-in ballot, and early voting.
15. The 2011 Election was not conducted uniformly in Colorado as a "mail ballot" election because some counties conducted the Election as a polling place or vote center election instead where voters appeared in person to vote.
16. Under Section 1-2-605(2), if a registered elector who is deemed "active" fails to vote in a general election, then his or her registration record is marked as "Inactive-(insert date)". These voters are designated in the Colorado Statewide Voter Registration System (SCORE) as "Inactive-Failed to Vote" ("IFTV").
17. As of October 5, 2011, Denver had the following registered voters identified in the Secretary of State's Statewide Colorado Voter Registration System (SCORE):
  - a. Total Registered "Active" Voters: 237,838
  - b. Total Registered "Inactive Failed to Vote" Voters 54,357
  - c. Total Inactive ( not Failed to Vote) 144,947
  - d. Total Registered Voters 437,142
18. As of October 7, 2011, the numbers of affiliated and unaffiliated "Active" and "Inactive Failure to Vote" registered electors in Denver were as follows:

#### Party Demographics

	Total IFTV	Total Active	% of IFTV	% of Active	% IFTV of Total Voters
DEM	24,494	123,518	44.67%	52.21%	8.40%
REP	6,924	43,488	12.63%	18.38%	2.38%
UAF	22,833	67,143	41.64%	28.38%	7.83%
Other Minor Parties	580	2,444	1.06%	1.03%	0.20%

As of October 7, 2011, the age demographics of “Active” and “Inactive Failure to Vote” registered electors in Denver were as follows:

Age Demographics

	Total IFTV	Total Active	% of IFTV	% of Active	% IFTV of Total Voters
18-25	9,186	17,899	16.75%	7.57%	3.15%
26-34	15,683	46,099	28.60%	19.48%	5.38%
35-50	16,721	66,640	30.50%	28.17%	5.74%
51-60	6,794	42,717	12.39%	18.06%	2.33%
61-69	3,038	31,393	5.54%	13.27%	1.04%
70-81	1,988	20,819	3.63%	8.80%	0.68%
82+	1,587	10,844	2.89%	4.58%	0.54%

19. Since 2008, Denver has conducted the following seven (7) elections as mail ballot elections, with ballots being mailed to active and inactive failed to vote electors:
  - a. 2009 Coordinated Election (November 3, 2009);
  - b. 2010 Municipal Special Vacancy Election (May 4, 2010);
  - c. 2010 Primary Election (August 10, 2010);
  - d. 2011 Municipal General Election (May 3, 2011);
  - e. 2011 Municipal Runoff Election (June 7, 2011);
  - f. 2011 Coordinated Election (November 1, 2011); and
  - g. 2012 State Primary Election (June 26, 2012).
20. Denver’s procedures of mailing ballots have been the same for active and inactive failed to vote electors. In a mail ballot election, Denver mails ballots in accordance with the written mail ballot plan approved for that election. Denver also mails ballots in accordance with the details and plans entered in the Secretary’s SCORE system.
21. Under C.R.S. 1-5-401(1), ballots for the Election were required to be printed and in possession of the Denver Clerk and Recorder by September 30, 2011 (which is the 32nd day before the General Election), and Denver complied with this requirement.
22. The Secretary of State requires every county conducting a mail ballot or polling place election to provide essential details of the election electronically by entering the data

into SCORE. This procedure is informally referred to as the process of “setting up” the mail ballot election into the SCORE system.

23. The SCORE system requires counties to select a check box (as a data entry field) when they intend to include IFTV electors in a mail ballot election.
24. The Secretary of State’s office provides a check-list for clerk and recorders to use in planning a mail ballot election. The SOS has advised county clerks and recorders to complete the check-list as a procedural step in the early stages of planning a mail ballot election.
25. Under my supervision, for the 2011 Coordinated Election, the staff of the Elections Division used the then most current Secretary of State Mail Ballot Check-list in preparing Denver’s mail ballot election plans and details for the Election. My staff completed the SOS Mail Ballot Election Check-list on August 24, 2011. A copy of the SOS Mail Ballot Election Check-list my staff used is attached to this Affidavit marked as Exhibit B.
26. The Secretary of States’ Mail Ballot Check-list indicates that the Secretary of State issued it on June 10, 2010.
27. The Denver Elections Division has used this Secretary of State’s Mail Ballot Check-list in the past to prepare for mail ballot elections including the 2010 Primary Election, the 2011 Municipal General Election, and the 2011 Municipal Run-off Elections.
28. In connection with the last seven mail ballot elections and in particular the 2011 Municipal General and Runoff elections, Denver mailed ballots to Inactive Failed to Vote electors. The SCORE system contains a checkbox to be selected when a county intends to include inactive failed to vote electors to participate in an election. In order to mail to IFTV electors, Denver provided the information of mailing to IFTV voters in SCORE as part of the set up process and used the SCORE checkbox for IFTV electors.
29. In May 2011, Victor Richardson, one of my employees, contacted the SCORE customer support helpdesk and spoke to Vicky Stecklein concerning the SCORE system option to include inactive failed to vote electors for the November 1, 2011 election. Ms. Stecklein informed him that there were no changes to the SCORE system to prevent it.
30. The Elections Division continued its election activities for the November 2011 election throughout June and July 2011. The respective management teams of the Elections Division checked from time to time the Uniform Election Code, C.R.S. 1-1-101, et. seq., and the Election Rules and Regulations promulgated by the Secretary of State located on the Secretary’s website. Staff members relied upon the information contained in the Secretary of State’s Election Policy Manual, Week-in-Brief Newsletters, Quick Reference Guides, Training Materials, Voter Guides, the Mail

Ballot Election Setup Checklist, and the Secretary's Elections Calendar when these materials were provided by the Secretary of State's Office. In addition, I relied on internal processes and procedures, historical election records, project plans, and technical systems utilized during the conduct of elections in Denver.

31. In July 2011, I asked Victor Richardson to call the SCORE customer support team to inquire if there would be any changes to the SCORE system that would impact the November 1, 2011 Coordinated election. After speaking with the SCORE help desk, he then advised me that he was told there would be no changes. In accordance with my agency's management procedures, Mr. Richardson reported his conversation with the SCORE help desk at the next scheduled Voter Records Department meeting on July 21, 2011. I was in attendance at this meeting.
32. The SCORE help desk is the section of the Secretary of State's Office designated to provide assistance to county clerks and recorders in using the SCORE system. The SCORE help desk personnel are the primary point of contact for technical assistance.
33. The June 10, 2010, Election Set-up Check-list indicates that if we were going to pull voters who are Inactive Failed to Vote then we would have to enter this decision in SCORE by using the checkbox. See Exhibit B.
34. Clerk O'Malley's term as Clerk and Recorder ended on July 18, 2011.
35. On July 18, 2011, Debra Johnson was sworn in as Clerk and Recorder.
36. Upon taking office, and subsequently on August 9, 2011, Debra Johnson confirmed Ms. O'Malley's earlier decision to conduct the 2011 November Election as a mail ballot election.
37. Immediately thereafter, I and my staff moved forward with plans and preparations to conduct the 2011 mail ballot election in accordance with applicable City Charter, City ordinances, State statutes, and the Secretary's rules, procedures and requirements.
38. From August 10, 2011 until September 6, 2011, my staff and I finalized the details for the mail ballot election. This involved final preparations for the service center locations, service center hours of operation, mail ballot instructions, approvals for the envelopes, and review of internal procedures to be used during the election.
39. In making these final plans and preparations, my staff and I relied upon the customer service we received from the SCORE helpdesk in May and July 2011, informing us the SCORE system allowed mailing of ballots to inactive failed to vote electors.
40. At my direction, Victor Richardson completed the election set-up process in SCORE for Denver's mail ballot election between August 22, 2011, and September 3, 2011.

41. From August 22, 2011, until August 24, 2011, Victor Richardson set-up Denver's mail ballot election in the SCORE election management module. He provided the information requested by the SCORE system and checked the checkbox to include inactive failed to vote electors to participate in the November 1, 2011 election. At the time Mr. Richardson performed these activities, he relied on the Mail Ballot Election Setup Checklist provided by the Secretary of State's Office which was dated June 10, 2010. Notably, the checklist called attention to the option of including inactive failed to vote electors by stating the following: "Be sure to select the "Inactive-Failed to Vote Eligible for Mail Ballot" checkbox."
42. There were two phases of data entry into the SCORE system to set up the Election.
43. Under my supervision, the following data was entered into SCORE as part of Phase I on or about August 24, 2011, in accordance with the Secretary of State's SCORE procedures:
  - i. Election Date;
  - ii. Description;
  - iii. Election Type;
  - iv. Election Method;
  - v. County Ballot Certification Date;
  - vi. Closing Date for Registration;
  - vii. State Ballot Certification Date;
  - viii. Official Canvass Votes Date;
  - ix. Publication Dates;
  - x. Early Voting Start Date;
  - xi. Early Voting End Date; and
  - xii. Inactive -Failed to Vote Eligible for Mail Ballot.
44. I have included below a screen shot that I copied from the data page in SCORE entered by Mr. Richardson that reflects Denver's election set-up on August 24, 2011. I have attached to this affidavit an enlarged copy of this same screen shot marked as Exhibit C.
  - a. This screen shot also shows how the data was entered.
  - b. The screen shot shows that Denver specifically selected the "check box" to indicate that it was pulling Inactive Failed to Vote electors to receive ballots. The oval was added for this Affidavit to show the information regarding Inactive Failed to Vote electors was in fact included.

**Election Management**

Address Library: Poll Petitions Polling Places Districts/Precincts Absentee Voters Reports Export Manage Documents

Election successfully saved.

[Voter Search](#) [Help](#)

Election Date: Nov-01-2011 Election Type: Coordinated Description: 2011 Denver County Coordinated Election

**Election Details**

- Include Certified Contests
- Election Template
- Measures & Races
- Post Shared Contests
- Ballot Styles
- Ballot Review
- Ballot Inventory
- Print Absentee Labels
- Print Ballot
- Election Results
- Process Poll Book
- Record Provisional Ballots
- Multiple Ballot Report
- Post History & Close Election
- Exit

Election Date: 11/01/2011

Description: 2011 Denver County Coordinated Election

Election Type: Coordinated Election Method: Mail Ballot

County Ballot Certification Date: 09/02/2011 Closing Date for Registration: 10/02/2011

State Ballot Certification Date: 09/02/2011 Official County Canvass Votes Date: 11/16/2011

Early Voting Start Date: 10/10/2011 Early Voting End Date: 10/28/2011

Municipal Election: ☒ Inactive - Failed to Vote Eligible for Mail Ballot

**Poll Hours**

Open:  Close:

**Publication Dates**

Start: 10/12/2011 End: 10/28/2011

**Statistics**

Accepted Ballots: 0% Received Ballots: 0%

**Districts**

District	Control County	# Of Races	# Of Measures
State Of Colorado	STATE OF COLORADO	0	1
Denver	Denver	1	2
DENVER SCHOOL DISTRICT 1	Denver	1	0
DENVER SCHOOL DISTRICT 5	Denver	1	0

Refresh Wizard Status ☒ Process completed

45. On or about August 26, 2011, Josh Johnson from the SCORE help desk contacted Victor Richardson by phone to discuss the data entered into SCORE. Josh Johnson requested one change: that the data on the Description field (as shown in the screen shot) be changed from "2011 Denver Coordinated Election" to "2011 Denver County Coordinated Election". Mr. Richardson immediately made the change as suggested.
46. No other changes were requested or suggested from the Secretary of State's Office. Instead, Mr. Johnson stated to Mr. Richardson that "other than that, everything looks good."
47. In accordance with my agency's management procedures, Mr. Richardson reported his conversation with Mr. Johnson at the next scheduled Voter Records Department meeting on or about August 30, 2011. I was in attendance at this meeting.
48. On September 3, 2011, the Elections Division completed Phase II of the SCORE Election set up process by entering the following data in SCORE:
  - i. Election Details;
  - ii. Included Certified Contests;
  - iii. Election Templates;
  - iv. Measures and Races;
  - v. Post Shared Contests;
  - vi. Ballot Styles;
  - vii. Generate Styles;
  - viii. Pull Voter names;
  - ix. View Voter names;

- x. Ballot Review; and
- xi. Ballot Inventory.

49. I have attached as Exhibit D a flow chart of the SCORE election set up process that the Denver Elections Division uses during the regular course of conducting elections in order to follow the Secretary of State's requirements. This flow chart describes the steps taken to set up an election in the SCORE system.
50. Friday, September 2, 2011, was a City furlough day and the Elections Division was closed for business. Employees did not report to work on September, 2, 2011.
51. Due to the furlough day, my staff (including Victor Richardson) completed the election set up in SCORE on Saturday, September 3, 2011 in order to generate ballot styles and "pull voters" into the election. When the set up was complete, staff completed the SCORE procedure of pulling eligible electors as we had described them in SCORE into the election by name and by precinct number. This also included: creating a ballot for each of the eligible electors pulled and generating the mailing file which contains the names of pulled electors to send Denver's print vendor to start the print process. Mr. Richardson completed the SCORE activities at about 3:00 p.m., on September 3, 2011. At the time, Mr. Richardson was unaware of any changes to the Secretary's Mail Ballot Election Setup Checklist.
52. By September 3, 2011, my staff had already completed Denver's election set up process. After this date, it would have been impossible to change the SCORE set up plans because the task of pulling voters is a critical trigger for starting the ballot print and production procedures.
53. Monday, September 5, 2011, was Labor Day (an official holiday of both the State of Colorado and the City and County of Denver). The Elections Division was closed and employees did not report for work on September 5, 2011.
54. On September 6, 2011, Josh Johnson contacted Victor Richardson asking for feedback from Denver as to how long the SCORE system had taken for the "Pull Voters" phase. No other direction was given to me or my staff from the Secretary of State's Office to change the SCORE set up plans.
55. In my experience working with the SCORE system, I have observed that the Secretary of State's Office has a practice of disabling features in SCORE when it does not want counties to use a particular feature. For example, I have observed that during an election the Secretary of State's Office has disabled the VoICE functionality of the SCORE system. VoICE stands for Voter information consolidation effort.
56. At no time was the "Inactive Failed to Vote" feature disabled during Denver's set up of the election in SCORE.

57. The proper set up of election data in SCORE is critical to running an election. The SCORE set up is the only mechanism that triggers actual production of election activities.
58. The data entered in SCORE triggers the work to be done in order to conduct the election. If the election set up is not properly completed in SCORE, then the Election will not occur. The set-up process becomes the blue-print for running an election.
59. Under my supervision, Amanda Hill, an Elections Division employee, initiated Denver's written mail ballot plan for the November 1, 2011, election using the standard Mail Ballot Plan (which is a fillable PDF form) created by the Secretary of State. She obtained it from the Secretary of State's website. The form stated: "updated on May 19, 2011".
60. On Wednesday, September 7, 2011, I edited and completed the same document.
61. In creating and completing Denver's written mail ballot for the November 1, 2011, election, Ms. Hill and I relied upon the instructions contained in the Secretary's form. As is our custom, we also consulted and relied on the following sources: the Uniform Election Code, C.R.S. 1-1-101, et. seq.; the Election Rules and Regulations promulgated by the Secretary of State located on the Secretary's website; the Secretary of State's Election Policy Manual and other materials provided by the Secretary of State's Office. We also used and relied on Denver's internal election materials to provide the information requested on Secretary's form such as: 1) the address and hours of operation for ballot "drop-off locations, 2) address and hours of operation for walk-in voting locations, 3) the estimated number of eligible electors, 4) pertinent language to be provided on ballots and mail ballot packets, and 5) the timetable for conducting the election content of mail ballot packets.
62. At approximately, 4:00 p.m., on September 7, 2011, in accordance with Section 1-7.5-105, C.R.S., which requires Denver to notify the Secretary of its decision to conduct a mail ballot plan by no later than fifty-five (55) days before the election and include a proposed plan for conducting the mail ballot election, I emailed the completed plan to the Secretary of State's Office as an attachment in accordance with the instructions provided with the template. Later that evening, I realized I had received an email notification indicating that my submission of Denver's written mail ballot plan to the Secretary's designated email inbox earlier that day had failed. I then re-sent the email with the attached mail ballot plan at about 10:55 p.m. that same day. I have attached a copy of the Mail Ballot Election Plan that I submitted to the SOS on September 7, 2011 marked as Exhibit E.
63. The Mail Ballot Plan I used was the most current form provided by the Secretary of State's Office. It asked for an estimate of the number of voters eligible to vote in Denver's 2011 Coordinated Election. Denver reported 288,204 estimated eligible electors. I reported this number based on my understanding of the definition of "eligible elector" as contained in Section 1-1-104(16), C.R.S. (2011). An eligible



elector is defined as a person who meets the specific requirements for voting at a specific election or for a specific candidate, ballot question, or ballot issue. If no specific provisions are given, an eligible elector shall be a registered elector, as defined in subsection (35) of this section. Section 1-1-104(16), C.R.S. (2011). Under this definition, “active” and “inactive failed to vote” electors both are eligible electors.

64. Based on my experience, the Secretary of State’s Office reviews and verifies both the data entered into SCORE when the election is set up and a county’s submitted Mail Ballot Plan. In particular, the Secretary of State’s Office has the ability to verify, and often does, Denver’s data concerning total eligible, active, and inactive voters with data reports generated from the SCORE system.
65. On September 12, 2011, Amanda Hill contacted the SCORE help desk for assistance with balancing the counts of the total number of ballots to be issued with the total number of active and inactive failed to vote voters. Paula Barrett from the SCORE helpdesk helped Ms. Hill pull SCORE files and print mailing labels to send ballots to active and inactive failed to vote Uniform Military and Overseas Voters (UOCAVA) prior to September 17, 2011 (which was the statutory deadline to complete this task). Ms. Barrett referred the call to Hilary Rudy for more specific information on an unrelated matter concerning data entry inconsistencies in the SCORE system about voter absentee status for some UOCAVA Voters. By coincidence, Ms. Hill updated Ms. Rudy about her conversation with Ms. Barrett as background information. Ms. Rudy stated to Ms. Hill that ballots could not be mailed to inactive failed to vote voters. Ms. Hill then referred Ms. Rudy to me to discuss the matter further.
66. On September 14, 2011 Ms. Rudy contacted me and stated that the Secretary of State’s Office “would not care” about Denver’s inclusion of inactive failed to vote electors if there “hadn’t been a statewide ballot question on the ballot.” I informed Ms. Rudy that Denver had included inactive failed to vote voters in its last five elections and was implementing the SCORE set-up plans Denver had entered the month before. Ms. Rudy said she was providing “advice” from the Secretary of State’s Office. Ms. Rudy then informed me that she would elevate the issue to Judd Choate.
67. At the same time that I was managing the development and implementation of Denver’s Mail Ballot Election plans, I reapplied for my position as Elections Director. The position is an appointed position serving at the direction of the Denver Clerk and Recorder. Upon taking office, the newly elected Clerk and Recorder Debra Johnson retained me as Acting Director while conducting recruitment to seek applicants for the permanent position of Denver Elections Director.
68. On September 14, 2011, as part of my employment application for the position of Denver Director of Elections, I was interviewed by a panel that included Judd Choate. During the interview, Mr. Choate asked me how I would handle a situation in which Denver disagreed with the Secretary of State and in particular Denver’s plan to mail ballots to IFTV voters for the November 1, 2011 election.



Oct 18 2012  
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# EXHIBIT 1

69. On September 15, 2011, the Secretary notified the Denver Clerk by letter that Denver's November 1, 2011, Coordinated Mail Ballot Election Plan was in compliance with Article 7.5 of Title 1, C.R.S., and was therefore approved. A copy of this letter is attached to this Affidavit marked as Exhibit F.
70. I was advised that on September 16, 2011, Debra Johnson received a voice mail message from Judd Choate, asking her to call him to discuss Denver's plans to mail ballots to Inactive Failed to Vote electors for the November 1, 2011, election. Clerk Johnson returned Mr. Choate's phone. During their conversation, Mr. Choate stated the Secretary of State's Office construed Section 1-7.5-107(3)(a)(II) to mean ballots could not be mailed to Inactive Failed to Vote electors for the November 1, 2011 election. He said this construction of Section 1-7.5-107(3)(a)(II) was "interpretive". Clerk Johnson informed Mr. Choate that she understood the word "interpretive" to mean "non-binding" and advisory as to this matter. Clerk Johnson asked Mr. Choate to provide the "interpretive" reading of Section 1-7.5-107(3)(a)(II) in writing in order to confirm what he had told her and for her further deliberation. Clerk Johnson and I received Mr. Choate's letter by email at about 5:58 p.m., on Friday, September 16, 2011. A copy of this letter is attached to this Affidavit marked as Exhibit O.
71. Prior to the receipt of the September 16, 2011, order, the Denver Elections Division had completed a substantial amount of election activity and work in connection with the conduct of the Election. This included activities which could not be reversed or re-performed such as completing the step of "pulling" voters (who were included in the election during phase 1 of the SCORE set up), starting ballot printing, production, and mailing process.
72. Under Section 1-7.5-107(3)(a), C.R.S., we were required to mail the mail ballot packets, between October 10 and October 14, 2011 which, respectively, were the 22nd day and the 18th day before the Election. In Denver, the mail ballot packets were scheduled to be mailed on October 12, 2011.
73. For each of the previous seven mail ballot elections, the Secretary of State approved Denver's election set up in SCORE which included data for Inactive Failure to Vote electors.
74. In addition, for each of these previous seven mail ballot elections, the Secretary of State approved Denver's written Mail Ballot Plan which included the Inactive Failure to Vote electors. I have attached copies of the Denver's approved Mail Ballot Election Plans for the following each year:
- 2009 Coordinated Election (November 3, 2009) – Exhibit G;
  - 2010 Municipal Special Vacancy Election (May 4, 2010) – Exhibit H;
  - 2010 Primary Election (August 10, 2010) – Exhibit I;
  - 2011 Municipal General Election (May 3, 2011); and
  - 2011 Municipal Runoff Election (June 7, 2011) both included in Exhibit J.
  - 2011 Coordinated Election

75. Today, as was the case in 2011, there are no procedures in SCORE to modify the election set-up data once it has been accepted by the Secretary of State's Office. In particular, there are no procedures to modify the set up plan once voters have been pulled and the mailing list has been created. As such, the SCORE system does not have the ability to change the election set up data to remove pulled voters particularly when the information had already been accepted by the Secretary of State.
76. In 2011, all registered voters, active and inactive, could access their voter registration information directly from the Secretary's website using the GO Vote page. As part of my responsibilities as Elections Director, I am familiar with the Secretary's GO Vote website.
77. The information contained on the GO Vote page is derived from the election set up data in the SCORE system. I have attached to this affidavit, marked as Exhibit K, a copy of a voter registration record for an actual Denver IFTV elector (that does not reveal the voter's identity or address). At my direction, my staff obtained this record on October 5, 2011, directly from the Secretary's website at [www.govotecolorado.com](http://www.govotecolorado.com). Exhibit K shows that this Denver IFTV elector was to receive a mail ballot for the election. Exhibit K also shows how the SCORE system uses the information from the election set-up procedures in other ways pertinent to the election.
78. In comparison, I have attached a voter registration record, marked as Exhibit L, for an actual Denver Inactive elector (inactive but not an IFTV elector) that my staff also obtained from the Secretary's GO Vote webpage, [www.govotecolorado.com](http://www.govotecolorado.com), on October 5, 2011. Exhibit L shows that this Inactive (not IFTV) elector will not receive a mail ballot for the Election.
79. In 2011 as now, there is no way to change the Secretary's GO Vote information which is dependent on the SCORE system. Therefore, even if Denver did not mail ballots to IFTV electors, the Secretary's website would still have informed IFTV electors that they would have received a mail ballot.
80. The Secretary of State's Office has not provided to me or my staff any procedures or information to change the election set up information in SCORE to pull out IFTV electors from the SCORE system. To my knowledge, no such procedures exist.
81. It would have caused considerable confusion to the public to have conflicting information if no ballot had been mailed to IFTV voters despite the Secretary's website indicating that the IFTV voter would receive a mail ballot.
82. In accordance with Section 1-8.3-110, C.R.S., the deadline to send mail ballots to absent uniformed services members and overseas (UOCAVA) electors of the City and County of Denver was Saturday, September 17, 2011. Denver's UOCAVA ballots were issued on the morning of Friday, September 16, 2011, as planned. The ballots

Denver already sent to UOCAVA voters included some ballots to voters who are classified as IFTV.

83. UOCAVA electors may return ballots at any time including by U.S. Mail, facsimile, or email. Section 1-8.3-110, C.R.S. Denver had already received returned ballots. This means that voting had already begun by September 17, 2011 in Colorado for the 2011 Coordinated Election.
84. In addition, I learned that Pueblo County intended to mail ballots to active and inactive Failed to Vote UOCAVA electors of Pueblo County. Copies of the letters to that effect are attached as Exhibit M.
85. It cost Denver exactly 91 cents per ballot to print and mail ballots for the 2011 Coordinated Election.
86. In addition, Denver had already ordered and paid for paper and supplies which included the Inactive Failed to Vote number of electors. In my assessment of overall costs, it would not have saved Denver money to send a postcard as suggested by the Secretary of State instead of a ballot to Inactive Failed to Vote electors and would have imposed an additional barrier on the voter.
87. The Denver Elections Division has a system to track the location of mail ballots. The system, called Ballot Trace, keeps an electronic record of mail ballots from the time they are printed and continuing as they move through the U.S. postal system.
88. Under the Ballot Trace system, the Denver Elections Division and Denver's voters have access to status reports stating the actions that occurred in mailing the ballot and the entity that took the action.
89. For the 2011 Municipal General Election, 4,517 IFTV electors returned their ballots and voted in that election. For the 2011 Municipal Run-off Election, 6,138 IFTV electors returned their ballots and voted in that election.
90. By October 5, 2011, the Denver Elections Division had already received returned ballots from IFTV active uniformed military voters.
91. I have attached to this Affidavit a copy of a map, marked as Exhibit N, which was made by my staff under my supervision during September 2011 in the regular course of business. This map shows the percentage of voters classified as Inactive Failed to Vote for every precinct in the City and County of Denver as of September 2011.
92. Election administration and election policy are intricately connected. Better policies and practices are adopted and formed if those involved in the oversight process have experience in the day to day administration and management of elections. My experience and history as an election administrator and in the policy arena give me a unique perspective. The practical application of policies and legal requirements are

significant when it comes to the programmatic and complex nature of elections. When you include the election administration perspective with policy formation, the result is clear, fair, accurate, accessible, transparent, secure, and efficient elections. This is my approach to election administration - to implement legal requirements and administer successful elections based on the concepts above.

93. When I analyze the issue of mail ballots for inactive IFTV electors, I approach it in the same manner. Colorado law provides a minimum (floor) for mailing ballots to active voters. It does not preclude Clerks from expanding that to IFTV electors. The statute in question states:

1-7.5-107(3) (a) (I) Not sooner than twenty-two days before an election, and no later than eighteen days before an election, except as provided in subparagraph (II) of this paragraph (a), the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or any other similar statement that is in accordance with United States postal service regulations. Nothing in this subsection (3) shall affect any provision of this code governing the delivery of mail ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq. (II) (A) If a primary election is conducted as a mail ballot election pursuant to this article, in addition to active registered electors who are affiliated with a political party, the mail ballot packet shall be mailed to each registered elector who is affiliated with a political party and whose registration record has been marked as "Inactive - failed to vote".

94. By its definition, Section 1-7.5-107(3)(a)(I) simply provides for the mailing of ballots to 'active' voters within a designated timeframe, by nonforwardable mail, and in accordance with United States postal regulations. My interpretation of the above means that we are required to send ballots to active electors and that is the minimum requirement within the statute. Yet, the Secretary's order to Denver, emailed on September 16, 2011, that Section 1-7.5-107(3)(a)(I) limited the initial mailing of ballots to only active registered voters. (See, Exhibit O). In his order, the Secretary added the word "only" to the provision even though the statute itself does not contain that restriction.
95. The Secretary's order created a new limitation affecting IFTV electors (who are still eligible electors) that does not exist in statute. It also changed the status quo for election administration purposes since this was the first time Denver had been informed of the Secretary's point of view. Denver has in the past made its own

interpretation of Section 1-7.5-107(3)(a)(I). To my knowledge, other County Clerks have also made their own decisions to mail ballots to IFTV electors.

96. In addition, since the statute does not expressly prohibit mailing ballots to IFTV electors, I also rely on Section 1-1-103(1) which states that the code “shall be liberally construed so that all eligible electors may be permitted to vote and those who are not eligible electors may be kept from voting in order to prevent fraud and corruption in elections.” Further, the legislative declaration within the Mail Ballot Article, Section 1-7.5-102 states that “the general assembly hereby finds, determines, and declares that self-government by election is more legitimate and better accepted as voter participation increases.” Moreover, as noted in the annotations for this article, “there is a compelling state interest in encouraging increased voter participation and mail ballot elections serve to meet that interest.” *Bruce v. City of Colo. Springs*, 971 P.2d 679 (Colo. App. 1998).
97. Other examples of this premise in statute (where there is a minimum or floor only) include:
  - i. Mailing ballots to UOCAVA voters. Ballots must be sent 45 days before the election but can issue sooner. C.R.S. § 1-8.3-110
  - ii. Pre-election Voter Information Card must be sent 25 days prior but can be mailed sooner. C.R.S. § 1-5-206(1)(a).
  - iii. National Change of Address check through the United States Post Office (NCOA) is not required for election administrators, however, we run the check monthly and send notices to voters proactively.
  - iv. Polling place signs must be posted at least 12 days prior to election day, C.R.S. § 1-5-106 but can be placed sooner.
  - v. The deadline to complete the canvass is no later than 17<sup>th</sup> day after the election, but can be conducted sooner. C.R.S. § 1-10-102(1)
  - vi. Last day to submit ADA surveys is 90 days prior to election, C.R.S. § 1-5-102.5, but they can be submitted sooner.
  - vii. For signature discrepancy letters and missing ID letters, we are not required to send a business reply envelope with the letters, however, we do. We are only required to send a business reply with confirmation cards. C.R.S. §§ 1-8-113(3)(d), 1-8-114.5(2)(a), 1-8.5-105(3)(a).
98. An example of where there is a ceiling: Signature discrepancies and UOCAVA ballots must be submitted by 8 days after. C.R.S. § § 1-8-113(3)(d), 1-8-114.5(2)(a), 1-8.5-105(3)(a).
99. In our system of government, elections are governed by federal, state, and local laws. The balance of power among the three branches of government is a founding principal of our democracy. Each branch has a very specific role and it is a system of power sharing. The same is true for conducting elections in Colorado. The Secretary of State (from the executive branch) is trying to legislate through issuing an order which will have a significant impact as to how elections are administered in Denver and across

the State. When he added 'only' into the September 16, 2011, order, he changed the meaning of the statute and provided a new ceiling.


100. His order also prevents the Clerks and local governments from exercising their powers under the Election Code to run elections and establish policies that meet the unique needs of their counties. It is important to maintain flexibility for county officials because not all counties are the same. There are differences in geographic size, the number of voters, and the size of budget and staff.
101. County Clerks conduct elections, not the Secretary of State. Examples of the enormous amount of responsibilities County Clerks have includes: Counting ballots, conducting signature verification, ballot preparation, ballot duplication, processing voter registration applications, testing and programming equipment, designing and laying out ballot content, printing ballots, arrangements for ballot delivery, testing, maintaining, and auditing voting systems, conducting the post-election audit and canvass process, hiring, placing, and training election judges, reviewing elections plans for ADA compliance, establishing precinct boundaries and local district boundaries, identifying polling places and voter service center locations, developing processes and procedures for each step in the election process, drafting and approving all training materials and presentations, approving all logistical plans, ordering and distributing all supplies to support the election, implementing services to support voters such as Ballot TRACE, managing all election data systems including all internal tracking systems for auditing and canvass, initiating all contractual agreements with vendors that support the election, posting election results, producing turnout maps, providing data to customers regarding the active election or historical results, developing contingency plans and disaster recover operational plans for each election, obtaining and managing all technical resources to support the election, developing and approving all security plans, identifying potential risks and developing plans to address those risks, processing all provisional ballots, creating all ballot accounting forms and processes to reconcile ballot inventory, distributing ballots to each voting location, ensuing ballot security at each voting location, coordinating all field operations including a establishing a process for group residential facilities, establish and manage all operational response hotlines, internal operational centers, and emergency communication strategies, and legal response teams.
102. The Secretary has now created the same problem, with the adoption of the August 15, 2012 Notice of Temporary and Permanent Adoption of Election Rules. New Rules 12.4.1(d) and 13.19, and amended Rule 12.11 create the same restrictions to the issuance of mail ballots to inactive failed to vote electors in mail ballot elections and polling place elections. It is my opinion that the new Rule 12.4.1(d) and new Rule 13.19 are contrary to Colorado Revised Statutes and exceed the Secretary's rule-making authority. In addition, these particular rules are unreasonable and unnecessary to achieve the Secretary's objective of administering and enforcing existing election laws. There is no statutory support for these rules and the Secretary is attempting to rewrite current election laws. In fact, there is statutory authority to support the opposite interpretation. C.R.S. § 1-7.5-107(3)(a)(II)(A) actually requires that ballots



be sent to Inactive-Failed to Vote Voters in a Primary Election conducted by mail ballot. The mandatory nature of the requirement to mail ballots to active voters does not confine its operation to only that one group of eligible voters. Section 1-7.5-103(4) indicates the General Assembly was concerned about all "eligible electors".

103. I am also concerned about the impact that these rules have on UOCAVA (Uniformed and Overseas Citizens Voting Act) voters registered in the City and County of Denver whose only option is to vote by mail or utilize one of the options provided in lieu of using the mail system. Inactive failed to vote UOCAVA electors do not have the option of appearing in person to obtain a ballot.
104. In my experience and opinion, the assumption that IFTV voters do not vote is misguided. Our data indicates that many Denver voters are Presidential only electors. As of October 5, 2012, we had just under 28,000 IFTV voters. From that number, 13,268 voted in the 2008 Presidential election. This means that about 50% of these voters participated in the 2008 Presidential election, but not in 2010 General Election, which was not a Presidential election.
105. This data is a very important reason not to impose a restrictive interpretation of C.R.S. § 1-7.5-107(3)(a)(I) by orders or rules. The data shows that turnout is higher in Presidential elections than it is in General Elections. In Denver in 2011, approximately 12,000 IFTV (or approximately 16% of all IFTV Denver voters) voted in one of the three mail ballot elections conducted that year.
106. On September 4, 2012, I made a written request to the Secretary of State that he confirm as to whether his office intended to enforce the new rules in local elections and municipal home rule elections, even if there were no statewide ballot question on the ballot. As of the date of this Affidavit, his office has not responded to that letter.
107. As an elections administrator, I am concerned about the Secretary's method of rewriting statute by letter and issuing orders to comply with new interpretations of existing statute. In 2011, this behavior could have caused a significant disruption to an election that had already started. I believe the Secretary will continue to give orders to Denver (and other counties) in the future and Denver will be put in the same position as it was in 2011. It is important to the public that elections be conducted with consistency, transparency, and efficiency. The Secretary's behavior in rewriting statute and issuing orders impacts those concepts.
108. All exhibits referenced and attached to this Affidavit are incorporated into it.

FURTHER AFFIANT SAYETH NOT.

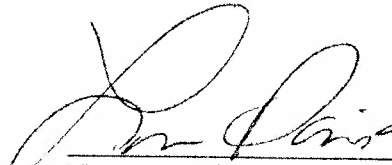
  
Amber McReynolds

The foregoing was subscribed and sworn before me in the City and County of Denver, State of Colorado, by Amber McReynolds, the Director of Elections, Clerk and Recorder's Office, City and County of Denver.

Dated: October 16, 2012.

Witness my hand and official seal.

My commission expires: 2/25/14

  
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Notary Public





Oct 18 2012  
04:04PM

# EXHIBIT 1-A

# AMBER F. McREYNOLDS

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200 W. 14<sup>th</sup> Avenue, Denver, CO 80204, 720-865-4850

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## EDUCATIONAL QUALIFICATIONS

Masters of Science – Comparative Politics, London School of Economics & Political Science, November 2002  
Bachelor of Arts – Political Science and Speech Communication, University of Illinois, May 2001

## PROFESSIONAL EXPERIENCE

Director of Elections – *Elections Division, Denver Clerk & Recorder, Denver, CO, 05/11 – Present*

- Represent organizational positions, initiatives, perspectives and interests
- Serve as a strategic advisor to the Clerk and Recorder by providing short-term and long-term recommendations on strategic planning and decision making
- Maintain a project plan with goals, objectives, timelines, and resources for each election cycle
- Manage budget plan, secure funding and strategic resources, and provide fiscal oversight
- Direct the work of 21 full-time staff members, hundreds of temporary workers, and thousands of election workers
- Establish objectives, strategies, and plans to achieve operational goals and efficiencies
- Document and approve processes, procedures, systems, policies, and standards for election departments and team members
- Direct the implementation of performance standards and guidelines to ensure accountability and provide guidance to department managers with regards to performance evaluations
- Draft legislative priorities; assist with drafting election related legislation; and provide testimony, data, and analysis regarding local, state, and federal election policy
- Participate in various election policy review and best practices committees at the state and national levels

Deputy Director – *Elections Division, Denver Clerk & Recorder, Denver, CO 2/08 – 05/11*

- Managed 4 department managers, 1 administrative assistant, and responsible for reviewing and approving 16 performance evaluations
- Coordinated the conversion of a county voter registration system to a statewide voter registration database
- Implemented detailed project plans for each election cycle and was responsible for managing all tasks
- Managed budget plan, secured funding and strategic resources, and provided fiscal oversight
- Initiated, reviewed and approved all contracts
- Documented all procedures, processes and policies
- Reviewed and approved all staffing and resource plans for each election
- Participated in the formation of various innovative solutions: Ballot TRACE (Ballot Tracking, Reporting, and Communications Engine), CoMMA (Content Modification Management), provisional ballot form, provisional ballot checklist, various internal processes, databases, poll book design, and comprehensive forms for use during an election
- Provided regular communication to subordinate staff and responded to staff inquiries by providing guidance and interpretation of various policy issues

Administrative Operations Supervisor – *Elections Division, Denver Clerk & Recorder, Denver, CO 7/07 – 2/08*

- Managed 5 full-time team members and over 150 temporary employees during elections
- Redesigned ballot and ballot packet contents
- Prepared ballot order for an election including mail, test, and provisional ballots
- Coordinated all election related mailings with USPS and printing vendors
- Liaison to the Secretary of State's office for Forms Committee and SCORE II Project
- Coordinated internal forms and ensured legal compliance for all relevant forms
- Continuously reviewed election related legislation at the federal, state, and local levels
- Implemented changes to increase effectiveness and identify efficiencies

Ballot Coordinator – *Denver Election Commission, Denver, CO 8/05 – 7/07*

- Developed and maintained detailed procedures for processing mail ballots
- Managed 4 full-time team members and at least 40 temporary employees during elections

- Reviewed the main voter database for accuracy and provided training to employees
- Provided monthly and daily reports on all ballot processing activities
- Administered the post-election internal audit, provisional ballot audit, and ballot inventory

Sales Manager – *Scheels All Sports, West Des Moines, IA, 1/05-7/05*

- Maintained relationships with golf industry sales representatives
- Increased sales with product buying plans and cost effective strategies
- Coordinated product knowledge training for sales team

Regional Project Manager – *New Voters Project, Des Moines, IA, 1/04-12/04*

- Implemented national campaign strategy at local level
- Managed and hired team members at various colleges and universities in Iowa
- Built relationships with local election officials, media, and local coalition
- Created visual materials based on campaign themes
- Implemented Voter Registration Programs within communities

Council Director – *14<sup>th</sup> Judicial Circuit, State of Illinois, Rock Island County, IL 12/02-1/04*

- Mobilized resources to efficiently address council's needs
- Managed council budget and related grant funding for special projects
- Assisted local council to solve complex issues relating to judicial system and state law
- Developed media releases, project reports, and policy reports

Program Director – *Safe Passage, 14<sup>th</sup> Judicial Circuit, State of Illinois, Rock Island County, IL 2/03-1/04*

- Recruited, trained, and managed volunteers to staff the center
- Secured funding for continued operation of the program

Parliamentary Research Associate – *Rt. Hon. Harriet Harman QC MP, United Kingdom, 8/01-10/02*

- Facilitated focus groups and conduct research on various policy issues
- Edited project reports, press releases, speeches, annual report, and periodic newsletters
- Organized official events, visits, meetings and speaking engagements
- Established and maintained public contact with community and national organizations
- Developed media strategies and long-term policy goals

## **CULTIVATED SKILLS AND TRAINING**

- CERA – Certified Election / Registration Administrator, The Election Center
- 2006 GOALS Program, City and County of Denver, Career Service Authority
- Colorado Certified Election Official, Colorado Secretary of State

## **MEMBERSHIP**

- The Election Center
- Alumni and Friends of the London School of Economics USA
- University of Illinois Alumni Association
- Project Management International