

## Conducting Mail Ballot Elections With Integrity<sup>1</sup>

Thank you for conducting this hearing and providing me the opportunity to testify today. By way of background, I served four years as Colorado's 38<sup>th</sup> Secretary of State and as a local and county election official starting in 1997. I've overseen voting by mail at the county and state level and have worked to make a number of improvements in our laws, many of which passed our closely divided senate with unanimous support.

By way of background, Colorado has had one of the highest voter turnouts in the nation for a number of years. We have had a robust initiative process for more than a century. In 1992 we adopted a constitutional amendment requiring voter approval for new taxes and debt at every level of government. Since 2013 Colorado has mailed ballots to all active voters, but even before then we permitted no excuse absentee voting.

Voting by mail is a critical way to provide voters the opportunity to fully participate in elections but to be effective proper procedures and laws must be implemented. I want to highlight six of Colorado's election protections and why Colorado voters can be assured that the mail ballot they cast was counted accurately.

These six protections are some of the reasons why Fox News, the Washington Post and President Trump's Homeland Security Secretary all have cited Colorado's election processes as the best in the nation.

**1. Accurate Voter Lists.** Mail balloting starts with having an accurate voter database, and Colorado updates ours every day based on changes voters make at govotecolorado.gov and a host of other sources.

a. Voters' addresses are updated from address changes with the U.S. Postal Service and from driver's license updates.

b. Voters who are deceased are removed based on data from Colorado death certificates *and* from the Social Security Death Index.

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<sup>1</sup> Testimony before Pennsylvania Legislature by Wayne Williams on March 15, 2021. Mr. Williams currently serves as an at-large member of the Colorado Springs City Council, on the Board of Advisers for Verified Voting ([www.verifiedvoting.org](http://www.verifiedvoting.org)), and is a Senior Advisor for Runbeck Election Services ([www.runbeck.net](http://www.runbeck.net)). Prior positions include Colorado's 38<sup>th</sup> Secretary of State (2015-2019), El Paso County (EPC) Clerk & Recorder (2011-2015), EPC Commissioner, EPC Elections Canvass Board Member, and as a Designated Election Official for local governments. Mr. Williams is an active Republican and has served as chair for the state's largest county Republican Party and a National Delegate on several occasions, including to Philadelphia in 2000. Mr. Williams may be reached at [wwilliams@runbeck.net](mailto:wwilliams@runbeck.net), 719-439-1870.

c. Voters who are incarcerated for felony convictions are removed from the voter rolls based on lists received from sheriffs and the Department of Corrections.

d. We check to ensure that non-citizens are not registered.

e. When either ballots or other election mail are returned from the Post Office, the voter is made inactive. This means that they no longer are mailed ballots and after process and a period of time are removed from the rolls.

f. We cross-reference our database with the Electronic Registration Information Center (ERIC) – a voluntary organization of 30 states – to ensure voters are registered in only one state, and we refer for prosecution individuals who vote in more than one jurisdiction. I pushed for Colorado and four other states to pilot this process in 2016 and we referred 38 individuals for prosecution. It is my understanding that 16 states participated in the comparison during the 2018 election and that this year 25 states will compare post-election data to identify double voters. We need to encourage the other 26 jurisdictions to participate.

Colorado also protects the integrity of its voter database by requiring live person approval for changes and two-factor authentication for access. We work regularly with the Department of Homeland Security to ensure best practices for the security of our databases.

**2. Voter Verifiable Paper Ballots.** Colorado went through an exhaustive process to select the best voting system standards for our citizens, obtaining input from election workers, voters, and individuals with disabilities. My predecessor's Uniform Voting System Advisory Committee narrowed the list of voting system vendors to four. When I became Secretary I made the decision to pilot these four systems in the 2015 November election, with each system being piloted in two counties. I appointed a Pilot Election Review Committee to assess the four systems' performance. Its members included former EAC Commissioner Donetta Davidson and representatives from counties.

Ultimately I adopted system standards which any vendor could attempt to meet. These standards were adopted through a formal rule making process, were reviewed by the legislature, and upheld by two different courts. The standards we adopted provided for paper ballots for every voter – even those who use an assistive device. And every voter has the opportunity to verify their actual ballot to ensure their choices were accurately recorded.

These standards require counting machines to be secured and monitored, protected from tampering, and prohibit the machines from being connected to the internet.

After adopting the higher standards, we then worked with clerks and commissioners across the state to fund the purchases of the new system. So while

other states struggle, Colorado already adopted the protection of voter-verified paper ballots.

Dominion was the first company to produce a certified voting system that met these high standards. Eventually a second company, Clear Ballot, produced a certified system that met our standards. Both now are used by Colorado counties.

**3. Secure Ballot Return.** When I was running for Secretary of State in 2014, the Democratic primary for sheriff in Conejos County was decided by just a few votes. Ballots arrived after the deadline from the Postal Service and were not able to be counted. To minimize that risk, I established a grant program that helped every county obtain funding for secure 24/7 drop boxes. These secure drop-off sites also help address the geographic disparity resulting from faster postal deliveries in urban areas.

Drop-off locations open around the clock also ensure voters don't have to rely on ballot harvesters who come to your door and who may or may not actually return your ballot. Colorado also limits these harvesters to receiving no more than 10 ballots in an election.

**4. Signature Verification.** How do we assure the ballots are actually from the individual voter and not turned in by someone who just found a bunch in the dumpster? We *check the signature on every single ballot envelope* to ensure it matches the signature on file – and we update that file every election cycle. Voters are notified and given the opportunity to cure if it doesn't match. Signature verification is crucial – every year, we prevent thousands of non-matching signatures from being counted and we refer these to the district attorneys for prosecution. Colorado's signature verification protection contrasts sharply with a number of states who simply count any ballot received, regardless of whether it is from the actual voter.

**5. Procedural Protections.** Colorado's clerks are directly accountable to the voters and every major election function – from picking up ballots to making the final call on whether a signature matches – is made by a bipartisan pair of election judges. So whether the clerk is a Democrat or a Republican, the judges making the calls will be from *both* major parties. And under reforms I put in place, parties have direct input into who those judges are.

We also have video surveillance of the counting process and make it completely transparent to watchers appointed by the parties. When concerns with access arose, I issued new rules requiring access for these watchers.

In some states if there are not enough members of one party to serve as judges and watchers in a particular county, the counting proceeds without this balance. Not

in Colorado. When then-Boulder Clerk Hillary Hall approached me with a concern that she was not able to find sufficient Republican judges, I approved her using judges from another county to ensure the necessary bipartisan balance, and this ruling then was adopted in legislation.

This bipartisan balance applies to adjudication and duplication as well. Some voters make changes on their ballots and changing one race can make the entire ballot unreadable by a machine. In Colorado we have bipartisan adjudication boards who duplicate the ballot so it can be read by machines – and, again, their work is subject to monitoring by bipartisan watchers.

**6. Audited Machines and Results.** Dominion machines have been tested in 62 Colorado counties at least 868 times. They have passed every test. Clear Ballot machines also have passed every test.

First, each county in each election uses a bipartisan board to test the voting system prior to using it -- that's a total of 455 pre-election Logic and Accuracy Tests in nine elections and Dominion has passed all 455.

Second, in 2017 Colorado began conducting a Risk Limiting Audit (“RLA”) after each election. In an RLA, bipartisan teams of judges in each county compare the cast vote record from the scanners to randomly selected paper ballots (with more actual ballots compared when the race is close). In the seven elections since Colorado began RLAs, the Dominion Voting System has passed 413 of 413 times. (Clear Ballot also passed each time.)

Colorado’s tabulation systems must be air gapped from the internet and other computers, and under standards I adopted even the thumb drives used to obtain the reports from the machines must be pristine. So, short of breaking into a secure locked room that is video monitored, there is no way to change the programming of the machine during the election.

So, while I can't speak for the practices of every state, I can state that in Colorado the mail voting systems we use accurately records the votes of Coloradans -- and we've proved it more than 800 times. No one in Moscow, Beijing, Antifa, or anywhere else altered our election results.

Thank you.