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Comment from Branscomb, Harvie

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General Comment

Thanks for the opportunity to comment. My understanding is based on experience in Colorado and California (and a bit of Georgia) where state law has combined multiple and diverse eligibility determination, voting and counting methods. I would like to express a hope that future EAVS surveys will provide more clarity by separating questions related to eligibility from questions related to tabulation. I hope that more attention will be paid to eligibility processing as the central component of that process rises in popularity with increases in remote voting. The survey serves a greater and more crucial purpose in compensation for direct oversight lost as citizens replaced the in-person voting experience with voting from home.

To be slightly more specific and for a few examples I hope that the word "ballot" will be used with great caution. Particularly for eligibility the word really should be replaced by "envelope or affidavit" or perhaps poll-book. In case multi-sheet paper ballots are used, "ballot" should be replaced by the word "ballot-sheet" if the question is discussing reporting of tabulation.

Similarly I would caution against attempting to count the number of voters using a count of artifacts obtained in the election process. Remote voters are likely to request and receive multiple "ballots" while returning, in the usual case, only one, but perhaps containing multiple sheets. In other cases of remote return the single voter may be required to return two versions of a "ballot" one of which is enclosed in an envelope and another is returned by electronic means. Or the voter may experience multiple attempts to return voter intent electronically not knowing which of them has succeeded. For this reason it may be wise to ask for the number of voters using the mechanism rather than the instances of use.

Finally I notice a clash between the use of terminology that is defined in statute, or federal law, or local

regulation with terminology embedded in vendor supplied technology or based on local practices. "UOCAVA voter" could mean someone who is eligible for special attention of the UOCAVA law, or it could mean the voter who is being treated that way. The latter is a preferable interpretation for responses to the EAVS survey. The words "domestic" and "foreign" have ambiguous meaning in the UOCAVA context- meaning perhaps residence but not official residence address, or mailing address or location where the voter cast the ballot. "Mail ballots" as understood by the voting system may be offered to voters appearing in person who may vote at a polling location and then seal the ballot sheets into an envelope that then encounters eligibility check by signature verification in a central count process without presence of the voter. I suggest that to the extent possible the survey attempt to clarify the meaning of these terms when used so that the results of the survey as consistent with each other as possible.

For future election cycles I urge that the survey try to reduce the categorization of UOCAVA or disability or voting by mail etc. where overlap in responses with counts collected for other categories may too easily take place. For this survey I think that a simple approach to avoiding that kind of uncertainty is to add guidance near the top of the survey to clarify how the terms should be interpreted.

For example:

"In the following survey the phrase "UOCAVA voter" means a voter who is being served by the special considerations made available under UOCAVA. "

and

"In the following survey the phrase "ballot" means "ballot sheet" when multi-sheet ballots are in use during tabulation, where multiple separated sheets and not 'ballots' as single units are in use."

Much of the terminology surrounding elections had more clarity under legacy in-person in-precinct voting/counting methods. Additional care is needed in using terminology in the current modernized election.

I also urge that personalization of ballot such as phrases like "voter's ballot" or "his" and "her" and "their" ballot not be used because the artifacts of voter intent must not be seen as private and instead seen as public records to the extent possible.

I have signed and hope consideration will be given to the extensive comments provided by the State Audit Working Group and the Paul Burke et al. comments being offered today. Both of these comments are prepared by consensus of a group of diverse citizen experts on elections who have experience in diverse states.

Thank you very much for your attention.