

LWVCO-SOS-DOLA Collaboration re Elections Data Reporting, Collection & Archiving Summary of Activity May 2021 – May 2023

During the 2021 interim, LWVCO began having discussions with representatives from the Colorado Secretary of State's office, the Department of Local Affairs, and the Colorado State Demographer to explore changes to Colorado's process for collecting, reporting, and archiving elections data. This information is needed by the state's independent redistricting committees to fully comply with the mandates of Amendments Y and Z (2018) as they carry out work to redraw the state's legislative and congressional districts. LWVCO members, Jeanne Clelland, Beth Malmskog, and Carlos Perez, who have extensive experience working with the existing data and with the redistricting committees, raised the need for Colorado to collect and report primary elections results by precinct, as opposed to ballot style, which is the method currently mandated by state law, and to maintain a statewide shapefile of accurate precinct boundaries with accompanying metadata (such as precinct numbers and names). Maintaining data in this format allows for reliable comparisons and examination of trends over a 10-year period. In addition, information that can be derived from precinct level reporting allows the redistricting commissions to make racially polarized voting analyses that are needed to determine if districts comply with the requirements of the Voting Rights Act. LWVCO pursued this effort to ensure better data collection and archiving in preparation for the 2030 redistricting process and to ensure effective implementation of Amendments Y and Z.

To accomplish the changes recommended by LWVCO, Jeanne, Beth, and Carlos, supported by Andrea Wilkins, Toni Larson, and Beth Hendrix, continued discussions over many months to determine if legislation should be introduced to require a change in how counties report their elections data and to institutionalize the cooperation needed between DOLA and the SOS to collect and archive statewide elections data. LWVCO, the SOS, and DOLA discussed both the need for legislation during the 2022 session and processes for interdepartmental collaboration between DOLA and the SOS.

It was ultimately determined that an interdepartmental agreement would be sufficient for DOLA to provide the technical assistance needed to collect and create a statewide shapefile to store the data and the SOS would make it publicly available through their website. State Demographer Elizabeth Garner agreed to develop a memo that DOLA will keep on file documenting the process and the necessary parties to this work. A change in county reporting requirements by precinct requires legislation to amend CRS 1-7.5-208(3)(a)(iii).

Technical assistance provided by DOLA includes creating a single statewide shapefile that contains geographical boundaries for all precincts that is updated every 2 years or every time the precinct boundaries change and/or precinct ID numbers change. For the counties without GIS capabilities (currently includes 12 counties), DOLA will obtain paper maps to create and update the individual county precinct shapefile and statewide

combined map. DOLA will provide precinct ID numbers used in the precinct-level election reports published on the Secretary of State's website, which can be used to match election results to precincts, facilitating a deeper level of analysis recommended by LWVCO members. Finally, DOLA will retain all past shapefiles, archived in a manner that will allow review of past elections with the precinct maps that were in effect at the time of the election.

Since this agreement was put in place, LWVCO has received the requested data from DOLA which complies with the requests we made of the department. DOLA is continuing to work with the SOS to ensure this information is available to the public. LWVCO anticipates additional precinct-level elections results for the 2022 election to be available during the summer of 2023 at which point analysis of the new precincts will be possible.

Simultaneous to this effort, LWVCO continued exploring possible legislation that would amend Title 1 to require counties to report state primary and November odd-year election results by precinct, as opposed to ballot style. Conversations with the SOS about this legislation were generally supportive, though the SOS indicated that they ultimately would not support the legislation if the counties opposed such a change.

Through research and continuing discussion, LWVCO learned that 10 of the 64 counties already report by precinct as of the 2022 primary election (these include Boulder, Broomfield, Denver, Dolores, El Paso, Hinsdale, Jackson, Jefferson, Lake and Los Animas). As a next step, LWVCO inquired with the Colorado County Clerks Association (CCCA) and spoke with individual clerks in Denver, Boulder, Pueblo, Arapahoe, and La Plata counties about their stance on possible legislation. LWVCO learned that CCCA is in the process of conducting a survey/study on the costs needed to effectively administer an election in all Colorado counties, in anticipation of future legislation that changes the reimbursement rates to counties. All county clerks that LWVCO spoke with indicate they are not opposed to the concept of changing their elections data reporting requirements (noting that several larger counties already report by precinct) but they would be unable to support a change in the requirement statewide without additional funding.

In speaking with CCCA President Gilbert Ortiz (Pueblo) and Vice President Molly Fitzpatrick (Boulder), LWVCO communicated our interest in any future legislation and our support for sufficient funding to the counties to ensure effective elections administration as a vital investment in our state's system of democracy. SB23-276 – Modifications to Laws Regarding Elections will increase the reimbursement rates to counties for 45% of the cost of conducting any election with state-certified ballot content beginning July 1, 2024. LWVCO will follow up with CCCA officers after the 2023 session adjourns to determine if the increased reimbursement rate can support a change in the elections results reporting.